

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

PRESIDENT PHILIP:

The regular Session of the 89th General Assembly will please come to order. Will the Members please be at their desks, and will our guests in the galleries please rise. Our prayer today will be given by Pastor Kevin Wolfe, Christian Church, Pawnee, Illinois. Pastor Wolfe.

PASTOR KEVIN WOLFE:

(Prayer given by Pastor Kevin Wolfe)

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.

SECRETARY HARRY:

Senate Journal of Tuesday, April 25th, 1995.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

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

PRESIDENT PHILIP:

Senator Butler moves to approve the Journal just read. There being no objections, so ordered. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Wednesday, April 26th; Thursday, April 27th; Monday, May 1st; Tuesday, May 2nd; and Wednesday, May 3rd, in the year 1995, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

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

SECRETARY HARRY:

Senator Raica, Chair of the Committee on Public Health and Welfare, reports Senate Amendment 1 <sic> (2) to Senate Bill 662 Be Adopted.

PRESIDENT PHILIP:

Resolutions.

SECRETARY HARRY:

Senate Resolution 65, offered by Senator Clayborne and all Members.

It's a death resolution, Mr. President.

PRESIDENT PHILIP:

Consent Calendar. House Bills 1st Reading.

SECRETARY HARRY:

House Bill 803, offered by Senator Rauschenberger.

(Secretary reads title of bill)

House Bill 809, by Senator Rauschenberger.

(Secretary reads title of bill)

House Bill 1016, by Senator Rauschenberger.

(Secretary reads title of bill)

House Bill 1018, by Senator Rauschenberger.

(Secretary reads title of bill)

House Bill 1083, by Senator Rauschenberger.

(Secretary reads title of bill)

House Bill 1707, offered by Senator Parker.

(Secretary reads title of bill)

And House Bill 2140, offered by Senator Peterson.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT PHILIP:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Just a point of information. We're going to go to Senate Bills 3rd Reading with the intent -- intention of the Chair to run through 3rd Readings one more time. If -- if we run through it one more time today, that'll be the twenty-first time that we have done 3rd Readings. The Secretary informs me that's some kind of a record. So I'm suggesting to you that this will be the last time we are going to be doing 3rd Readings. Now, I've had a -- numerous communications with Members about the Bulls game tonight and that there are some Members who would like to go to the Bulls game, including myself. So if we could hold the rhetoric down today and get out of here, I'd like to get out of here about four o'clock so those Members who want to go to the Bulls game will be able to do it. So if you'll kind of hold down the -- the jawing, would be appreciated. And our intent would be to go through 3rd Readings and -- and if we have enough time, we might even go to Postponed Consideration. So, without further ado, the bottom of page 2. Senate Bills 3rd Reading. Senate Bill 7. Senator Petka. Do you wish this bill to be returned to 2nd Reading for the purpose of an amendment?

SENATOR PETKA:

Mr. President, with leave of the Body, I'd like to take the bill back to 2nd.

PRESIDENT PHILIP:

Senator Petka seeks leave of the Body to return Senate Bill 7 to 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 7. Mr. Secretary, are there any other Floor amendments been approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Petka.

PRESIDENT PHILIP:

Senator Petka.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

SENATOR PETKA:

Thank you very much, Mr. President, Members of the Senate. This amendment basically changes the effective date of the legislation by moving it back one year, to 1997. It is a technical amendment, and I would seek its -- adoption of that amendment.

PRESIDENT PHILIP:

Any discussion? Any discussion? If not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is approved. Are there any further Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Petka.

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Mr. Chairman, with apologies to the Members of the Senate. I had my amendments out of order. Amendment No. 2 was an amendment which basically restricted the aggravating factors that could be used in the underlying offense for the offense of murder. This amendment actually is the technical change of the date on the -- where the legislation would be January of 1997. With that, I urge its adoption.

PRESIDENT PHILIP:

Any discussion? Any discussion? If not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments have been approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

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

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

SENATOR DEMUZIO:

Ask a question on the last amendment, but I guess it doesn't make any difference. Senator Petka, you might want to tell us why you made it 1997, I am told by the staff, when -- when we debate the bill. So that would be fine. Thank you.

PRESIDENT PHILIP:

All right. Senator Petka, on the Order of 3rd Reading, Senate Bill 7. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 7.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President and Members of the Senate. Senate Bill No. 7, Amendment No. 1, which became the bill, basically provides that for the offense of murder by terrorism - that is where there has been the murder of three or more persons as -- as a result of the indiscriminate use of a lethal substance or an explosive or incendiary device, or that the instrument that was used was designed for the purpose of injuring multiple victims during a single course of act or conduct - that under those circumstances, that the -- a special provision of the death penalty would apply, and that is that it would require an expedited hearing and an expedited sentencing procedure and an appellate procedure to provide for an execution of one convicted of this offense within a period of time probably not to exceed one year. The -- there were some questions raised about the -- the constitutionality of this legislation, and to answer Senator Demuzio, the -- the reason that the effective date was moved back is that there will be companion legislation, which hopefully will

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

end up on the ballot in 1996, dealing with expedited procedures in capital cases and also the issue of habeas corpus. And that is basically the reason for the amendment.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? Senator Trotter, for what purpose do you rise?

SENATOR TROTTER:

Questions for the sponsor.

PRESIDENT PHILIP:

The sponsor indicates he'll answer. Senator Trotter.

SENATOR TROTTER:

Senator Petka, you mentioned briefly the -- the constitutionality issue here. Is there a way you can go a little more in depth with that? What we're looking at is a hundred -- hundred and eighty days of the conviction, whether a conviction and sentence of the defendant should be upheld, and that if the Supreme Court upholds the conviction and the death sentence, it is required to order the execution of sentence within seven judicial days. Can -- can you elaborate on -- on that a little more for me, please?

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Yes, Senator. That was one of the things that was raised in committee and in my own mind about constitutionality. We are going to need federal habeas reform, and it is my understanding that Senator Don Nickles from the State of Oklahoma, who -- is going to propose legislation which is basically going to provide federal habeas corpus reform in connection with limited capital -- a number of capital cases. Additionally, Senator, the requirement of the Statute that provides for an expedited procedure could possibly be struck down without having the Supreme Court or a -- a

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

revision in our judicial Article on the powers of the Supreme Court given further direction from the people of this State. And that is the reason why we will be introducing a companion constitutional amendment to make this an effective procedure.

PRESIDENT PHILIP:

Senator Trotter.

SENATOR TROTTER:

Thank you. But -- but still, isn't this more or less a -- a separation of powers issue here; that we are telling the courts and the judicial system what they should be doing? I just think that we're overstepping our boundaries here in this legislation.

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Senator, there will be companion legislation in the form of a constitutional amendment which will directly relate to the issue that you have just raised. If the people of this State of Illinois, in 1996, adopt legislation which will permit certain habeas corpus reform and also permit within that Article itself a procedure outlined in this legislation, then this legislation will be effective; otherwise, it will be null and void.

PRESIDENT PHILIP:

Any further discussion? Senator Trotter, for the third time.

SENATOR TROTTER:

Yes. I just wanted one comment to the bill. I just believe that this -- this legislation is very premature at this point in time. I believe that we -- we are certainly overstepping our boundaries. This is all conjecture, and I believe this is a bad bill and we should just hold it until we can work out some of the constitutionality issues here.

PRESIDENT PHILIP:

Senator Geo-Karis.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I don't think this bill is premature at all. Not at all. Terrorism is terrorism. Are we going to sit by and just let it go on and float whenever they want to float it? We have to consider the safety of people. Human lives should be the most important thing in this Legislature. And the way we're going to try and safeguard them as much as we can is to provide some decent legislation that will go after the terrorists. There have been terrorists in Oklahoma, terrorists in California. They're starting to have terrorism in Illinois. I think it's time that we start waking up and saying, "Look! We're not going to let perpetrators of terrorism and hate and hurt prevail." I speak in favor of the bill.

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Thank you, Mr. President and Members of the Senate. In the 1930s, a -- an assassin sought to kill the President of the United States. He shot and he missed, and he killed instead the Mayor of the City of Chicago, Anton Cermak. From the date that the murder was committed, he was charged, tried, convicted, sentenced and appealed and executed in thirty-seven days. Now, we are six -- sixty years later and the safeguards that we have placed into this legislation, along with expected passage of a constitutional amendment, will expedite a process for those who are what I term "criminals with a cause". I do think the time has come for us to accelerate capital punishment process and this bill is a major step in that direction. I urge your Aye vote.

PRESIDENT PHILIP:

The question is, shall Senate Bill 7 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

record. On the question, there are 54 Ayes, 1 Nay, no -- none voting Present. Senate Bill 7, having -- receiving the required constitutional majority, is declared passed. Senator Raica, for what purpose do you rise?

SENATOR RAICA:

Mr. President, I -- I would just like the record to reflect today that this morning was read in -- that Senate Amendment -- or, Senate Floor Amendment No. 1 was adopted for Senate Bill 662. It was Senate Amendment No. -- or, Senate Floor Amendment No. 2 that was adopted out of committee.

PRESIDENT PHILIP:

The record will so indicate.

PRESIDING OFFICER: (SENATOR WATSON)

We are on page 2 of the Calendar. Senate Bill 18. Senator O'Malley. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 18.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Mr. President, thank you, and -- and Members of -- of the Senate. Senate Bill 18 amends the School Code to repeal the Section that created the Chicago Learning Zone Advisory Committee. This Section is obsolete. This is intended to be a -- a vehicle by which some of the continuing negotiations concerning the Chicago Board of Education can be implemented. I'd appreciate your support.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Thank you, Mr. President. I feel compelled to advise the Membership that none of our side voted for this vehicle bill in committee. I don't see the spokesman, but it seems to me that we ought to continue the practice of either voting No or Present on vehicle bills until we know what's in them.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? If not, the question is, shall Senate Bill 18 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 40 voting Yes, 4 voting No, 12 voting Present. Senate Bill 18, having received the required constitutional majority, is declared passed. Senate Bill 32. Senator Jacobs. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 32.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill merely requires the Racing Board to conduct a study of why live horse racing venues have closed, and report back to this Body by January 1st of 1996 to -- to this Body and the Governor with recommendations for reopening those venues. Really is intended for Quad City Downs. Don't know of any opposition and ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 32 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 voting Yes, no voting No, no voting Present. Senate Bill 32, having received the required constitutional majority, is declared passed. Senator Petka. Senator Petka, on Senate Bill 81. Senator Petka on the Floor? Senate Bill 100. Senator Dudycz. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 100.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCZ:

Mr. President, I believe that there is an amendment.

PRESIDING OFFICER: (SENATOR WATSON)

I beg your pardon. Mr. Secretary, do we have an amendment filed?

SECRETARY HARRY:

Amendment No. 6, offered by Senator Dudycz.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCZ:

Mr. President, I would seek leave, at this point, to return to the Order of 2nd Reading for the purpose of adopting an amendment.

PRESIDING OFFICER: (SENATOR WATSON)

That motion is in order, and leave is granted. Senator Dudycz, Senate Bill 100 on 2nd Reading.

SENATOR DUDYCZ:

Thank you, Mr. President. Amendment No. 6 to Senate Bill No. 100 adopted yesterday by the Insurance and Pensions Committee removed the controversial portion of the bill relating to the part

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

of the fire paramedics, where they would not be paying interest between January 1, 1990 to the date of payment.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Palmer.

SENATOR PALMER:

Senator Dudycz, they're paying interest, but are they making the contribution, as well as paying the interest?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCZ:

That's correct. This would remove the portion where there would be no interest. The contribution always was in there. So this is going to -- in 3rd Reading, this will be a noncontroversial pension bill, I believe.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? If not, Senator Dudycz -- Senator Dudycz moves the amendment. All those in favor, say Aye. Opposed, No. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. On 3rd Reading is Senate Bill 100. Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. As finally amended, Senate Bill 100 amends the Chicago Firefighter Article of the Pension Code to

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

allow a resumption of certain widows' annuities that have been suspended upon remarriage; requires an application and specifies that the resumption is not retroactive for certain annuitants born before January 1, 1945; provides for a three-percent automatic annual increase in retirement annuities; removes the thirty-percent maximum; makes the automatic annual increase begin to accrue at age fifty-five, rather than sixty; it provides for an increase in the minimum widow's annuity is six hundred per month beginning January 1, 1996 -- that's a typo, it should be seven hundred dollars a month beginning January 1, 1996; authorizes the City of Chicago to substitute funds obtained in borrowings and other sources for a portion of its authorized tax levy for pension purposes; it amends the State Mandates Act to require implementation without reimbursement. This is the -- the package -- the pension package, which was agreed upon between the City of Chicago, the firefighter's union. And having removed the controversial provision involving the paramedics buying back into the pension, I believe that all objection has been removed to this bill, and I would seek your affirmative support.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I rise in support of Senate Bill 100, as amended. I believe it is a fine bill and we should all -- be a lot of green lights up there. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Is there further discussion? Seeing none, the question is, shall Senate Bill 100 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, no voting No, 2 voting Present. Senate Bill 100, having received the required

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

constitutional majority, is declared passed. Senator Petka, do you wish to call Senate Bill 81? With leave of the Body we will return to Senate Bill 81. And, Mr. Secretary, will you please read the bill.

SECRETARY HARRY:

Senate Bill 81.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Thank you, Mr. President and Members of the Senate. Senate Bill 81 basically provides -- or disallows a homestead exemption on real property forfeited for illegal drug activity. Additionally, Floor Amendment No. 2 to Senate Bill 81 provides that in cases involving drug forfeiture, that the proceeds of the drug forfeiture go directly to the State's Attorney's Office for use in enforcing drug laws. Under the current law, the amount must go to the county treasury for appropriation. Other forfeiture shares in connection with proceeds which are seized now go directly to the Attorney General's Office, the State Police, and the Appellate Prosecutor's Office. This amendment permits the Cook County State's Attorney's Office to -- to share the same status. I would just point out that the Cook County Board is opposed to this legislation, but we think this is legislation which basically places the Cook County State's Attorney's Office on parity with those other agencies which are named. With that, Mr. President, I urge adoption of Senate Bill 81.

PRESIDING OFFICER: (SENATOR WATSON)

Is there discussion? Senator Jones.

SENATOR JONES:

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

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Jones.

SENATOR JONES:

Yes. Senator Petka, you indicated that the County Board has problems with this. Is -- is that the problem whereby in this bill the monies would not be appropriated but would be given directly to the State's Attorney?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Senator, with all due respect, with all the noise in here, I did not hear the first part of your question. I heard the last part.

PRESIDING OFFICER: (SENATOR WATSON)

That's a good point, Senator Petka. Would -- would everyone please give the sponsor and the question -- individual asking the question their attention? Senator Jones.

SENATOR JONES:

Yes. You indicated that the County of Cook had problems with the bill. And is -- is the problems that they -- that they have dealing with the portion of the bill in the amendment that have the dollars go directly to the State's Attorney rather than be appropriated?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Senator Jones, you are correct. However, I would point out to you that the Cook County Sheriff's Department also gets their money directly, and that -- what -- what this bill would -- would basically do, permit the State's Attorney of Cook County to get the money directly, just as the Cook County Sheriff.

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Further discussion? Senator Jones.

SENATOR JONES:

Well, it's a difference in the Sheriff's Office, which the Sheriff's Office goes out. You're dealing with the prosecutorial end of it, and you fall into a different category. And for one to get monies that are not appropriated as such, I don't think that is in the best interests of good financial management and watchdogs. We deal with State agencies down here, and many agencies, and even some of our universities, would like their monies to come direct, but we, in turn, call for accountability. And that's something that I know you are concerned about. And, all the fiscal watchdogs on that side of the aisle, this is a very bad precedent, and -- and if you're going to do it for my good friend, Jack O'Malley, the State's Attorney, then -- then -- but you fight against that with other agencies. So I don't think we should be going this really. I think the money should stay and be appropriated by the County and given to the State's Attorney. I don't think he's been shortchanged on the dollar amount that he received, but there should be some accountability. And those who are elected by the people should appropriate those dollars.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator del Valle.

SENATOR DEL VALLE:

A couple questions, Senator. Does this bill change the percentage - the amount - of the forfeiture dollars going to the State's Attorney, number one? Number two, does this bill affect other State's attorneys, or are we only dealing with Cook County?

PRESIDING OFFICER: (SENATOR WATSON)



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Senator Petka. Senator Petka.

SENATOR PETKA:

The answer to number one is that there is no change in any of the formula or distribution or -- or, excuse me, the percentage. There's no change. Number two, it affects Cook County. The other Members of the Illinois State's Attorneys' Association have not requested directly - at least to myself or others - that -- that this procedure be followed. But the State's Attorney of Cook County has requested it. And, Senator, again, if you didn't hear the response I made to Senator Jones, currently that is the procedure that is used with these drug forfeiture seizures; that monies are distributed directly to the Sheriff's Department without appropriation. And I think if you -- if you just have a chance to -- to think about that, it -- basically we're dealing with seized assets and seized cash which is going to be used as a basis for further undercover operations.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR PETKA:

Well, thank you very much, Mr. President and Members of the Senate. I think that the concerns that have been raised, I hope they've been adequately addressed, and I would urge a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 81 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 42 voting Yes, 15 voting No, no voting Present. Senate Bill 81, having received the required constitutional majority, is declared passed. Senate Bill 124. Senator Dillard. Please read the bill, Mr.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Secretary.

SECRETARY HARRY:

Senate Bill 124.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This legislation amends the Counties Code and Municipal Code to allow - it's permissive - counties and municipalities to require any provider of video programming services providing video programming services within that municipality or the county to register with the county clerk. It allows them to impose a fee up to whatever they charge today for, what I call, the regular cable TV system. There has, throughout the process, been some opposition by Ameritech and GTE. Their opposition is gone from this. I believe the -- the problems with this legislation among the opponents are worked out. There may be an amendment over in the House of Representatives, but I'd like to get this bill out of here. I know of no opposition.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Will the sponsor yield for a question, Mr. President?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Well, Senator, I've had letters from constituents in opposition to this bill. It's my understanding you're trying to set up a franchise fee parallel to the kinds of franchise fees -- or at least to authorize a franchise fee parallel to the kind that

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

the cable companies who use the local utilities have to pay. But isn't this directed at folks who, in fact, have the -- their technology wireless, or otherwise, so they don't have to use the local utilities? And if so, what is the -- the nexus or the rationale that we should be imposing fees?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Thank you, Senator Hawkinson. First of all, I know there was initially opposition from the Retail Merchants who sell these new dishes and other things. Their opposition is also gone. In answer to Senator Hawkinson's question: What happens here is with the changing technology - and again this is permissive; it would be up to Galesburg or any other local municipality to decide whether they wanted to -- to implement this or not - what happens is people call up when Channel 2 or Channel 4 or Channel 6 doesn't work, and what they do is they usually call the municipality or they call the authorized cable company saying, "Hey, I can't watch the Super Bowl. It's all blurry." And what we want to establish here is a registration process, so that when a senior citizen or somebody calls up with complaints about their, quote, "cable TV service", the municipality knows where to turn to try to help that customer, or help that member or citizen of their municipality. And again, it's optional. It's up to the local unit of government to decide whether they want to establish registration on -- if they want to impose any type of fee up to whatever they charge the, quote, "regular cable company".

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson.

SENATOR HAWKINSON:

Well, I guess that's the problem. I can understand a registry, but there's a lot more involved with a regular cable

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

company, and it wouldn't seem to me to be fair to allow the imposition of the same size fee when they're, in fact, not using the local utilities.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

I just wondered if Senator Dillard could indicate what impact this bill will have on all those new eighteen-inch satellite users that are out there?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

On the user itself, it would have no impact. It may have an impact upon those who sell it. But again, Senator Demuzio, I'm led to believe that the Retail Merchants are now in accord with what will happen on this bill. And if, in fact, this bill happens to get amended in the House and it comes back over with -- with opposition from either GTE, the Retail Merchants, I will not call this bill for a concurrence vote.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio.

SENATOR DEMUZIO:

Well, we're doing this for a reason, and I assume that those individuals who sell these new satellite dishes will be imposed a fee or franchise fee, or whatever it is called - I haven't read this bill. But I assume that whatever that is, that if it's -- there's something imposed, that it's passed on to the consumer, the people who are using this new technology. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Maybe. And again, the -- it is up to your local unit of

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

government to determine, Senator Demuzio, if they want to do this, and if they want to do it, whether they impose a fee, and if they impose a fee, what particular percentage that fee may be.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Well, that's just the problem: Whenever you leave it up to the city and up to the municipality, they will impose a fee. And what you're going to really have here is an increased cost to the consumer. Also, it's my understanding that not only is the Retail Merchants still opposed to this, but also most of the phone companies are opposed to this, 'cause you do need their lines and it's an imposition upon them, as Senator Hawkinson said. It's my understanding, Senator, that there was to be an amendment on this bill before it moved, or you were working toward an amendment in order to take care of some of those concerns, and I just would like to see it stay here until those concerns are taken care of. Otherwise, I ask for a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President. Senator Dillard, I have...

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Bowles.

SENATOR BOWLES:

Thank you. There was a notice yesterday that the Local Government Committee was to hear two amendments next week that are concerned in 124. What -- what has happened now with those amendments?

PRESIDING OFFICER: (SENATOR WATSON)

Senator -- Senator Dillard.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

SENATOR BOWLES:

Because I think each side -- each side of the issue had filed one.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

I have decided not to give the opportunity to either of those two sides to call their amendments. And again, Ameritech, GTE, the Retail Merchants have withdrawn their opposition to this bill. And, Senator Bowles, I determined along with and in consultation with the -- the chairman of that committee that we're not going to go forward with those amendments.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

Just a quick question for the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Lauzen.

SENATOR LAUZEN:

If I understand correctly, the services that go in through satellite dishes have now been excluded from this bill. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Senator Lauzen, no. I -- I don't want to mislead you. It -- the fee, if a local government wants to impose it, would be on the service itself -- those providing the services. The fee is not on the -- the retail merchants. And again, it's -- this is purely optional at the part of the local municipality or the county. The Municipal League is -- is in favor of this legislation, and I believe, especially for those of us -- and especially those on the

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

other side of the aisle that love to protect consumer rights, this bill is really, in my estimation as the sponsor, a consumer protection bill. Because of the changing technology, when people do not have or are not provided service that works well, they call the municipality and complain, and we need a registry so that those who use other services know who they bought it from, do not get ripped off, and can have excellent cable service or the other technologies that are out there.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

I certainly understand the amount of work that has gone into -- especially this bill, and I -- I appreciate that. My concern is: On what basis would a city or any municipality charge a fee for a service that comes -- doesn't use any of the right-of-ways, but comes from satellite into a dish?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Senator Lauzen, the basis of that is the extra work that it takes municipal and county officials to answer our neighbors' telephone calls and complaints when they come in. And with all these new technologies come many, many complaints to the local unit of government that requires human beings to answer the telephone calls that come from irate citizens out there, including flat-out fraud from time to time where people go around and tell people, "I can offer you an alternative to your normal cable system. All you have to do is buy this box, put it on top of your TV", and about twenty days or thirty days later that company's not around, and somebody calls their local mayor or local village official and says, "Hey, what gives? I got ripped off by the cable TV company." And you have to say, "No, no, no. It's not

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

the cable TV company. It's some fly-by-night outfit." And what I want to do is protect the public from fly-by-night outfits, as well as the changing technology, so that when they call their local unit of government they get an answer about who to call to complain to fix their problem. And that's the basis for -- if they decide to impose a fee, to ply it.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Welch.

SENATOR WELCH:

Yes. I'm really surprised that this bill is here before us. This is -- this is not only an anticonsumer piece of legislation, it's an antibusiness piece of legislation. What it does is it discourages individuals from buying one of these -- these dishes to bypass their local cable TV company. So your cable TV company now wants to put a fee on the providers of the service through the dish so that the rates go up to make them more competitive. You know, we don't have anybody who doesn't know where the services come from down my way on this -- on cable TV. It goes through your local government. Maybe this is a suburban problem. I don't think it's a problem downstate. All we have to do is call our local aldermen and they know exactly where it comes from because they subscribe to cable TV as well. This is a -- this is an attempt to discourage new technology, not to implement it. It discourages it by saying that if you're going to buy one of these cable dishes, well, the provider's going to have to pay a fee. The county is going to make money so your costs are going to go up. As the cost for the service for that dish go up, it makes you local cable box more competitive and you're more likely to stick with that, as opposed to going to the new facilities -- the new cable transmission through the airwaves. So, to me, sure, the cable TV company could say, "Well, it's a consumer bill 'cause consumers can call your county and find out who's in charge of



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

this", but do they really -- are consumers that dumb? I don't think so. What this is, it's an attempt to stifle competition. And as you know, I am for competition, and I would urge you to vote No.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR DILLARD:

Thank you, Mr. President. This took longer than I thought. Municipalities and counties, I believe, have administrative and must have oversight authority not only with respect to cable TV, but also with respect to alternative providers of cable types of television as we move into the next century, and this is a mechanism to give the municipalities and local governments that type of ability to serve their customers and -- and taxpayers. And I believe that there is not opposition to this, it's the way go, and I'd urge a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 124 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 21 voting Yes, 32 voting No, 1 voting Present. Senate Bill 124, having not received the required constitutional majority, is declared failed. Senate Bill 135. Senator DeAngelis. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 135.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 135, as it first came here, was a comprehensive rewrite of the TIF law, which was the end result of hearings that were conducted statewide last year. There was significant opposition, so I amended the bill. There was still opposition, so I amended it again to create a hollow creature. We will move it over to the House, and I have invited all parties who have an interest in this bill to give me their language that they would like to see, and hopefully we'll come out with a bill that will deal with some of the abuses that have occurred in the past and will be acceptable to the majority of the Legislators on this Floor.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 135 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 voting Yes, 20 voting No, 8 voting Present. Senate Bill 135, having received the required constitutional majority, is declared passed. Senate Bill 137. Senator Raica. Out of the record. Senate Bill 198. Senator Trotter. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 198.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President and Members of the Chamber. Senate Bill 198 requires the Department of Public Aid to furnish parenting skills to all those applicants whose first child is born

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

within one year, or to -- after applicants apply for AFDC benefits. This is a proactive stand that we're taking at this point in time, as a consequence of Senate Bill 10 passing and subsequently becoming law. We believe with one of the provisions that was in there, the cap provision, that this will -- will help those individuals who had a child understand -- the realities of raising a child and the -- the purposes of not having -- continually having children. So, again, as I said, it's a proactive stand, and I would like to see everyone vote green on it. Also, in passing, there was other legislation of other words involved in here where we're talking about family planning. That was misconstrued by some saying that we were promoting abortions, and as a consequence of that we deleted that in the last amendment, and now I believe it's a bill that we all can live with and I'd like to see its passage.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Collins.

SENATOR COLLINS:

Quick question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield.

SENATOR COLLINS:

Senator, this is a great idea, but did you include the fathers in the parenting, too?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

This was for AFDC applicants. If the applicant is the custodial parent, he too will get that, but no, specifically, the father was not included in this legislation, partly because of the cost factor, which the Department did have apprehensions in paying for this. But again, if we're going to seriously look at and

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

address reforming welfare, we had to start someplace. So this was the -- the beginning of -- of that -- doing some positive things in revamping the AFDC program.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Raica.

SENATOR RAICA:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield, Senator Raica.

SENATOR RAICA:

Senator Trotter, currently the bill has the word "applicants" for AFDC. Would you be willing to amend it in the House to say those who are "recipients" of AFDC? See, our -- our concern here is that applicants opens it up to everybody, whether they're going to be denied or accepted or anything. We would feel a lot more comfortable with the wording, those who are "recipients" for AFDC.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

Yes. I would be receptive to that. The -- the whole idea was, of course, to be inclusive of everyone, but I understand that there's a cost factor here as well. But -- but certainly, I am amenable to amending it in the House.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Raica.

SENATOR RAICA:

Senator Trotter, would you be willing then to - in the House - amend the bill to exclude the word "applicant" and then just include the word "recipient"? I mean, if we...

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR RAICA:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

If we have your assurance of that, I think Senator Donahue, myself and Senator Parker, Members of the Public Health Committee would probably give you a vote here.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

Since I do need your vote, the answer is yes.

PRESIDING OFFICER: (SENATOR WATSON)

Any -- any further discussion? Further discussion? If not, Senator Trotter, to close.

SENATOR TROTTER:

There's -- there's been a lot of discussion on this issue. I just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Question is, shall Senate Bill 198 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Yes, 3 voting No, 1 voting Present. Senate Bill 198, having received the required constitutional majority, is declared passed. Senate Bill 213. Senator DeAngelis. Out of the record. Senate Bill 281. Senator Woodyard. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 281.

(Secretary reads title of bill)

3rd Reading of the bill

PRESIDING OFFICER: (SENATOR WATSON)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. This bill -- I know it's been around a long time, but to my knowledge we have pretty much removed all opposition. Matter of fact, I know

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

of no opposition to this bill. It involved a problem that FMC Corporation brought to us last winter involving two employees. It seems that, like -- and I won't go into to a lot of detail unless there are questions, but FMC in an appeals process on back wages, paid these two employees the back wages and it went into one quarter. Thus, for the entire year, on unemployment it showed these two employees as making no money; thus, their unemployment benefits were reduced by half. Instead of getting three hundred dollars a week, they only got a hundred and fifty dollars a week. And I really commend FMC Corporation for proposing this legislation that will certainly benefit employees that are laid off. And with that, I'd be glad to answer any questions or ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. I rise in support of this bill, because, as the sponsor stated, it does clear up a glitch in the law that helps individuals who are unemployed. I would normally be objecting, because it did not go through the agreed bill process, but given the merits of it, I would urge an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

And -- further discussion? Further discussion? If not, the question is, shall Senate Bill 281 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 voting Yes, no voting No, no voting Present. Senate Bill 281, having received the required constitutional majority, is declared passed. Senator Garcia, for what purpose do you rise?

SENATOR GARCIA:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

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

PRESIDING OFFICER: (SENATOR WATSON)

State your point.

SENATOR GARCIA:

I just had the opportunity to check on my vote on Senate Bill 100, and I must have hit my speak button instead of the Aye button that I had intended to vote on that bill. I would like the record to reflect that. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Yes. Thank you. Senate Bill 287. Senator Weaver, do you wish to -- seek leave of the Body to return Senate Bill 287 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 287. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Weaver.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. Amendment No. 3 becomes the bill, so I will explain the amendment. It has to do with the reconstitution of the State Universities Retirement System. It would give the Governor the power to appoint nine members, two being participants, two being annuitants, and the other five can come from any of the sections of the State, mainly from higher education, I would presume. This board oversees the State Universities System. In the past we've had some problems with lack of good judgment maybe, or oversight by the board. This board should not be a political board. The members and the trustees should have the expertise and judgment to do what is best

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

for -- for the benefit of the annuitants, both present and future. If anyone has any questions, I'll be happy to try to answer them.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. We can, perhaps, debate this further on 3rd Reading, but I just wanted to point out that this was in committee yesterday and there was opposition, and the opposition comes from the fact that, first of all, the Governor's appointing, under this new proposed bill, all the members. There are no elections. Secondly, right now in the current practice there's a -- some protection that the universities throughout the State would all have some representation. Under this bill there -- you do not have that assurance, and it's very possible if you represent an area where -- that has an institution of higher education, that you might find that perhaps one university might have most of the representatives on the pension board. So there's also no, really, guarantee that it doesn't become politicized because of the fact that the Governor makes all the appointments regardless of -- there's no limitations as to what party the people are from. So I think that it really has some concerns, and perhaps since the amendment becomes the bill, we can debate it again on 3rd Reading, but it's something which I think people should be very careful about supporting.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield, Senator Fawell.

SENATOR FAWELL:



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Senator Weaver, originally when we were talking about this board, they were talking about putting a community college -- the head of the community college board -- State board on that higher ed board. Is that still being considered, or are they off now?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver.

SENATOR WEAVER:

Senator, this is not the higher ed bill -- board. This is the State University's Retirement System. Different board.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Senator Weaver, do you wish to close?

SENATOR WEAVER:

Move the adoption.

PRESIDING OFFICER: (SENATOR WATSON)

All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. On 3rd Reading is Senate Bill 287. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 287.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. We've just discussed the bill, as the amendment becomes the bill. Senator Cullerton alluded to the fact that there are no elected members. I feel strongly that this

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

board is a policy-making board and politics should not even be involved. I think some of the problems we've had in the past is because of politics being involved on that board. Under Senate Bill -- I think it's 242 that increases this board to -- 241, excuse me - would increase this board to a sixteen-member board, which is really not workable, and so I think with a nine-member board we can do for SURS what has not been done in the past. Fewer members can give better oversight. There will be staggered terms, and if anyone has any questions, I'll be happy to try to answer them.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. Let me just reiterate the point I made before. Let me tell you who's on the board now, and what the protections are that there be various participants on the board. There's currently eleven members: two are members of the U of I Board of Trustees; one's a member of the Southern Illinois University Board of Trustees; one is a member of the Board of Governors; one is a member of the Board of Regents; and one is a member of the Community College Board. Senator Fawell, you were interested in that. The remaining five members include: two participants -- active members of SURS appointed by the Governor; one participant appointed by the Community College Board; one participant appointed by the U of I Board, and one senior citizen over age sixty who may be a participant or a retiree. That's the current makeup of the board, and as you can see, there's a guarantee that there's representation throughout the State. Now we're saying we're going to cut it down from eleven down to nine; the Governor gets to appoint everybody; they all can be from the University of Illinois if that's what the Governor wants, and none of them are elected. So that's why I

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

think you ought to be concerned if you represent, say, the Southern Illinois University area or Northern Illinois or Eastern or Western. I think that there should be some more guarantees here, and perhaps there should be -- some of these people be elected. It's very important, as we know, on these pension boards the makeup of the board and where the power is. And I think this is too one-sided, and I urge your caution.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I also rise in opposition to this bill as amended. And what -- what disturbs me is not only the lack of representation from all of the universities and the community colleges throughout the State, but in addition -- and it would have been very nice and very courteous if the bill would have provided in the six appointments that are made by the Governor that are not designated appointments, if it would have been a bipartisan appointment. When -- when it comes to setting policy on many areas of State government, it has been the practice for many years to provide for a bipartisan representation. That is missing from this. I asked the sponsor if he would give us a commitment regarding that change in the House, and I -- we didn't receive it. So I think that not only is there a lack of representation from the universities and from the community colleges, but also from the -- both political parties in the State. I urge a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Seeing none, Senator Weaver, to close.

SENATOR WEAVER:

Well, thank you, Mr. President. Seems strange to me that in our own State employees' system, every agency of the State is not

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

represented on that pension board. Corrections, Public Aid, Transportation, on and on and on. It doesn't make sense. They haven't gotten into trouble. Another aspect: Every institution to public higher education is now going to have their own governing board. Do you want to have a fourteen- or sixteen-member board? I don't think it's workable. This is a good bill and it should be supported. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 287 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 39 voting Yes, 18 voting No, 1 voting Present. Senate Bill 287, having received the required constitutional majority, is declared passed. Senate Bill 377. Senator Sieben. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 337.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President, Members of the Senate. This is a vehicle bill that was introduced to deal with the Governor's reorganization plans. We would like to keep that bill alive and send it over to the House in case it's necessary.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 337 pass. All those in favor, say Aye -- I beg your pardon. All those in favor, vote Aye. All those

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 48 voting Yes, no voting No, 9 voting Present. Senate Bill 337, having received the required constitutional majority, is declared passed. Senate Bill 340. Senator O'Malley. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 340.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Members of the Senate. I am rising here concerning Senate Bill 340, as its sponsor, knowing full well that we may not get through 3rds again today, requesting that this be delayed for consideration later. The reason for this request is that this is -- has been represented to us to be an agreed process regarding Cook County Pension System. We are still awaiting verification, in writing, from all the parties. Would appreciate that consideration.

PRESIDING OFFICER: (SENATOR WATSON)

Senator, do I -- do I assume you're asking leave to get back to this at a later date -- at a later point in time today?

SENATOR O'MALLEY:

No. I'm asking for later today.

PRESIDING OFFICER: (SENATOR WATSON)

Later today. Is leave granted? Leave is granted. Senate Bill 346. Senator Madigan. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 346.

(Secretary reads title of bill)

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the Senate. Senate Bill 346 does just what it says on the Calendar. It makes administrative changes, and it also combines all the IMRF reserve funds into one, and -- and caps the amount that can be retained in that reserve fund. I would be glad to answer any questions. Otherwise, would ask for its approval.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 346 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. Senate Bill 346, having received the required constitutional majority, is declared passed. Senate Bill 354. Senator Barkhausen. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 354.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. Senate Bill 354, approved by our Commerce and Industry Committee, is an attempt to reduce the volume of employment-related litigation in Illinois and at the same time to speed remedies for employees with legitimate complaints. It requires an employee to use a grievance procedure, either made available to them in a collective bargaining

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

agreement, or otherwise made available by an employer, prior to either filing a civil lawsuit in State court or prior to filing an administrative complaint with administrative agencies other than in the case of actions to collect workers compensation benefits or unemployment compensation benefits. It allows the grievance procedure to take a maximum, underline maximum, of one year before the employee would otherwise be able to go to court in the case of a civil suit, or file the administrative action with the appropriate administrative agency. As I say, it's designed, on the one hand, to reduce the expense of litigation. Statistics show that fifty to a hundred thousand dollars in attorneys' fees is spent by defendants defending various cases of this kind. At the same time by having professional experienced arbitrators involved, and the bill specifies that they would come from the American Arbitration Association or the Federal Conciliation and Mediation Service <sic>, it is also likely that the employees with legitimate grievances will obtain redress sooner than they do under current law. I would be glad to answer your questions, and seek your support.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Garcia.

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Garcia.

SENATOR GARCIA:

Senator Barkhausen, under the bill -- let's take, for example, a case where a woman is sexually harassed by her employer. Would she be prohibited from reporting this violation to the Human Rights Commission or having a fair administrative or judicial hearing until the employer's grievance procedure is exhausted, that period being of up to one year?

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen.

SENATOR BARKHAUSEN:

If the employer had the kind of arbitration procedure called for in this bill, including making available arbitrators from either the AAA or the Federal Mediation and Conciliation Service, that -- that would be the case, but I would, again, emphasize that the one year time that the grievance procedure could last is a maximum and in -- and in most cases it would take a much shorter period than that. And -- and also, of course, that the employee would eventually have the right, if she, in your hypothetical, wanted to do so, to file the action with the Department of Human Rights.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Garcia.

SENATOR GARCIA:

Well, to the bill, Mr. President: I rise in opposition. This bill came out of Commerce and Industry on a partisan roll call. It requires the grievance procedure to provide action on grievances to be concluded within one year. It prevents action in court by an employee only if the grievance procedure affords the same opportunity for relief as available before a State agency or in a State court. This provision still does not address the possibility that an employee's civil liberties could be violated to prevent him or her from seeking relief in court. The amendment gives an employer one year to take action on a grievance. This is a long time for a difficult work situation to be adjudicated. Employees who have a dispute with their employer over any of these issues would be denied access to the courts or the agencies responsible for enforcing these laws. They would now have to share in expenses for mediation or arbitration. Logically, organized labor and people who care about ordinary working people



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

would have to oppose this bill. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. Chairman, Ladies and Gentlemen of the Senate.  
Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Jacobs.

SENATOR JACOBS:

Under your bill, Senator Barkhausen, does this mean that if an employer is violating the Child Labor Law, and a parent or minor has a complaint, will they be able to go to the Department of Labor to file a complaint for up to one year, or do they have to wait until the employer's grievance procedure is completely exhausted?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen.

SENATOR BARKHAUSEN:

My answer, Senator Jacobs, would be the same as it was to Senator Garcia's question. At the same time, I would -- I would emphasize, as I really didn't before, how long it takes today with these administrative agencies - the Department of Human Rights and the Department of Labor - for employees to obtain the redress that they seek. I think it's quite likely that -- the relief will come sooner under this legislation than it does today.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jacobs.

SENATOR JACOBS:

I think that that may be a little wishful thinking, but it appears to me that under this bill, those who believe their rights have been violated cannot seek relief from that agency until they have completely exhausted the employer's grievance procedure,

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

which is up to one year. If there is no settlement of that grievance, it's very possible at that point in time that the -- the load will still be just as heavy as it is now. So all we're doing is setting things back for a period of time. It appears to me that if we don't like the protections and the remedies afforded to workers under the Child Labor Law, the Prevailing Wage Law, the Minimum Wage Law, and Humans Right Act <sic>, then why don't we just introduce a bill to repeal those laws rather than to attempt a backdoor approach that this seems to be. I think this is a backdoor approach to eliminate the rights of the employees, and I would ask for a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Palmer.

SENATOR PALMER:

Senator Barkhausen, how does this bill define "dispute"?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen.

SENATOR BARKHAUSEN:

It makes reference in the definition Section of the bill to, "Work-related dispute means any dispute arising...between an employer and an employee that arises from the employment relationship, except that...", and there's an exception for workers' compensation and by an amendment that was added also for unemployment compensation disputes.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Palmer.

SENATOR PALMER:

To the bill: I also would rise in opposition to this bill.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

If dispute has such a very broad definition, that means that it could refer to safety precautions, payroll questions, job qualifications. Almost anything could be included under this. And it also means that for a year the employer alone is in charge of the grievance procedure. It eliminates the possibility that the employee can use any other means to settle what could be a very legitimate issue, and we've heard about two of the more severe possibilities: sexual harassment and child labor laws. But almost anything is included under this. I say we vote No.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for two questions?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

I did not hear your answer to Senator Garcia's query, if the employer is -- has been sexually harassing an employee, where does the employee go? If she goes to the employer who sexually harassed her -- where is she going to go with her grievance? Can you explain that? And the other question that I had was the -- the time - I'm not quite clear on the time that the -- an employee can go for further redress if the employer denies the request. Would you answer the first question, please?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes, Senator Geo-Karis. You're probably familiar with the American Arbitration Association and the -- and the Federal Mediation and Conciliation Service. These are well known to be neutral parties that handle disputes of this kind. The statement was made on the other side that the employer would be in charge of

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

the grievance procedure. Nothing is further from the truth. These organizations are known for their professionalism and neutrality and, I say again, would provide the sought and deserved remedies much sooner than they are obtained under existing law.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

You haven't answered my question. My question is: if an employee is sexually harassed by her employer, just exactly what does she do?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen.

SENATOR BARKHAUSEN:

If the employer has a grievance procedure in place of the kind that this bill requires, in order for employers to be able to require an employee to use the grievance procedure before they file a lawsuit or go to the Department of Human Rights, then the grievance procedure takes place first before any complaint is brought with the Department of Human Rights. However, if that hypothetical employee wanted to, she could go, as well, to the Equal Employment Opportunity Commission. This bill doesn't, as, of course, it couldn't, affect any federal administrative remedy.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

In other words, you're saying then, if she has an employer who is sexually harassing her, she can go -- she can make a statement of grievance to the employer. Is that right? And then go on to the Equal Opportunity Commission?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen.

SENATOR BARKHAUSEN:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

In your situation, that employee would have the choice between -- either using grievance procedure made available by the employer, provided that it meets the very high and professional standards required by this bill, or she could go to the Equal Employment Opportunity Commission. But I, again, emphasize, Senator Geo-Karis, the purpose of this bill is -- is to provide -- we have, in Cook County today - as Senator Berman knows, because he was an architect of the system here in the Legislature - we have a system that requires mediation of certain types of -- of lawsuits before they proceed in court. This extends that kind of practice in principle to the context of employment discrimination. I said in my opening remarks that -- that legal fees of fifty to a hundred thousand dollars are being spent per case today in a totally unproductive way. And this is -- this is meant, if employers are going to pay out that kind of money in situations where employees deserve the money for some kind of redress, let them pay it to the employees. Let them not consume these kinds of resources in the litigation process.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President. Would the speaker -- would the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield.

SENATOR CLAYBORNE:

Senator Barkhausen, what is the position of the Department of Labor on this bill?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen.

SENATOR BARKHAUSEN:

At one time Senator, they were opposed to this bill. They've

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

-- for all I know, they may still be.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Clayborne.

SENATOR CLAYBORNE:

That's all I have. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you -- thank you, Mr. President. Ladies and Gentlemen, I think we're -- it's -- it's fine to play "what-if" games, but I -- there's a basic premise to this that I like, and that is that the whole procedure speeds up the final resolution of the problem. I think Senator Barkhausen explained that we're not cutting off any avenues. All we're saying is if there has been a good-faith contract resolution agreement, that's going to kick into effect. I -- we hear cases where -- particularly on harassment cases that last two, three, five years. I think this will resolve in the employee's favor by speeding up the entire process. I think we should be in favor of this.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR BARKHAUSEN:

Thank you very much, Mr. President. I think there's been a good and thorough discussion of the bill. One point I would make in closing, and I mentioned some other precedents that already exist for this kind of procedure, but another one exists today under -- under federal labor law in that the Section 301 of the National Labor Relations Act requires that before a grievance under a -- a collective bargaining agreement can be the subject of a -- of a -- an enforcement lawsuit, that -- that there first needs to be a grievance procedure and that those remedies need to

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

be exhausted before a lawsuit can be filed. And that saves money and labor, as well as management, is in favor of that existing provision of federal labor law. This extends that principle to State law. We will be providing remedies, I believe, much more rapidly than we do today under existing law, and it will save employers money as well. I seek your support.

PRESIDING OFFICER: (SENATOR WATSON)

On that question, shall Senate Bill 354 pass, all those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 voting Yes, 27 voting No, 0 voting Present. Senate Bill 354, having received the required constitutional majority, is declared passed.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR WATSON)

Senate Bill 355. Beg your pardon. Committee Reports, Mr. Secretary.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned to committees: To the Committee on Appropriations - motion to concur with House Amendment 3 to Senate Bill 923, and House Bills 803, 809, 1016, 1018 and 1083.

PRESIDING OFFICER: (SENATOR WATSON)

Proceeding on page 3 - middle of page 3 - Senate Bill 355. Senator Barkhausen. Senator Rauschenberger, for what purpose do

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

you rise?

SENATOR RAUSCHENBERGER:

For purposes of an announcement. The Senate Appropriation Committee will convene at 11:45 to -- to take testimony and hear the supplemental that's been sent over from the House. I'd like all Members to go to Room 212 immediately at 11:45.

PRESIDING OFFICER: (SENATOR WATSON)

Back onto the Calendar, page 3 - middle of page 3 - Senate Bill 355. Senator Barkhausen. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 355.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. Senate Bill 355 is another recommendation of the Management Association of Illinois that is also supported by other employer groups, but again, I believe that this legislation is as much or more in the interests of employees as it is employers. The original bill basically restates or codifies existing law - existing case law - by providing that an employer would not be liable in a situation where it is giving out requested information about the work history of an employee or a former employee. Today it is common practice, we are told, by -- for employers to be extremely reluctant to give out any information, at least any information other than the barest information about the fact that an individual has worked for them for a particular period of time. But they are extremely gun-shy when it comes to disclosing, for example, any reasons why the employee might have left. That fact



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

makes it -- can make it difficult for employees or individuals seeking employment to be able to get quick approval on their applications for employment because prospective employers first want to do a due diligence background check on such a job applicant before hiring them, but if that prospective employer can't get the information that they ought to be able to receive, they're more reluctant to -- to hire people or at least to hire them as quickly. A second part of the bill, by amendment, gives employers protection from hiring or retaining employees unless they know or should know that an individual poses an eminent threat to others. This part of the bill is in response to two recent Illinois Appellate Court cases that have held employers liable for -- merely for having in their employment individuals with criminal histories who ended up doing some kind of harm to others. I have made the point in my private conversations with colleagues that unless we adopt this provision, we are putting employers in a position where almost no employer in their rightful mind would want to hire anyone who has a past history of trouble with the law. I'd be glad to answer your questions and otherwise would, again, urge your support.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. And to the bill: We have another anti-employee bill before us, Ladies and Gentlemen, and I rise in opposition to it, because essentially if this bill is passed, it states that if a court finds that an employer provided truthful information, a presumption shall arise in favor of awarding to the employer and against the attorney for the employee or former employee. The amendment in this bill will allow a court to award damages against the attorney of an employee who brings action against an employer who may have given damaging information about

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

-- against the employee. This will act as a prevention against attorney ever wanting to take such a case. Finally, the bill will put a tremendous burden upon aggrieved employees to take action against employers who provide, quote, "truthful information". The bill does not provide just to what the so-called truth is limited. Could such information be about a prior medical condition, eating habits, dress, et cetera? The bill requires the employer to be reimbursed by the employee for any legal action caused if the employee loses a court contest. It stacks the odds against an employee who is seeking to bring about a grievance, and it is a bad bill. I urge a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Palmer.

SENATOR PALMER:

Senator Barkhausen, are there any guidelines between the former employer and the prospective employer about the conversation that they can have about an employee and his or her situation at the -- from a job they left to the one that they are applying for? Are there any limits or guidelines?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator, I'm going to answer your question. Let me quickly respond to a point that Senator Garcia made and -- in good faith, certainly, but it had to do with the provisions in the original bill creating a presumption in favor of the employer in the awarding of attorneys' fees and those provisions came out with one of the amendments that we adopted. But, Senator Palmer, the --

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

the guide -- the simple guideline is that the -- the information has to be truthful and -- and that is what provides a defense.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, again, Mr. President. Then I say No on this bill. I have worked on preparing personnel rules and regulations. It is a very difficult process, and it is -- I have spent a lot of time as a former university administrator and in other positions having to think very carefully about what kinds of letters I should write on behalf of employees. And to say that truth is the bottom line here without giving any guidelines on either side of what that truth means and leaving the employee kind of blowing in the wind between the two, I think is not a good way to go at this point. I would certainly have appreciated some guidelines, but I don't think that this accomplishes what we should accomplish as far as helping all three parties have the best information that is as productive as possible. I think this is a bad bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis. Senator Berman, further discussion?

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would suggest to you that this bill is not only anti-employee; this bill is anti-public, and let me tell you what this bill allows to happen and the consequences of an Aye vote and passage of Senate Bill 355. The bill provides that an employer cannot be held responsible for the actions of an employee unless the employer knows of the criminal background of that employee. Let me give you an example: I own a taxicab company, and Mr. Smith comes up to me and wants a job. At the present time, under existing law, before I'm going to let Mr. Smith get behind my

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

taxicab and be a driver, I'm going to run a list, run a check, through the Secretary of State's Office. I want to make sure that he's been a careful driver, that he's been a sober driver, that he's been a responsible driver. Under this bill, forget that. If I start inquiring about this guy's driving history, I'm going to be liable for hiring him. I want to hire him, and I don't want to ask any questions. So this -- this guy, who -- may have ten drunken driving convictions on his previous record, I put him to work, I don't run a check on him, he gets behind that cab and he runs you over, and you have no claim against the employer -- against the cab company for having hired that notoriously, repeatedly drunken driver. That's what this bill does. It says if you don't know, you're not liable. Where is responsibility, Ladies and Gentlemen? I urge a No vote on this bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

In your bill originally, you had the payment of attorneys' fees by the plaintiff if the plaintiff lost his or her case. And is -- is that still in your bill?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen.

SENATOR BARKHAUSEN:

No, it's not.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Is it in your bill to the extent that it's a rebuttable

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

presumption, in other words, that a court can still find against the plaintiff and charge attorneys' fee to the plaintiff?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen.

SENATOR BARKHAUSEN:

No, that is part of what came out.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

So there's no mention at all about attorneys' fees or attorneys being liable for bringing up an action?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen.

SENATOR BARKHAUSEN:

That's correct.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. Ladies and Gentlemen, those of us who may have been in a position to have a number of employees recognize in this bill a -- a solution to a problem we have -- we -- or I had, I guess is a better way of saying it. I guess during my, quotes, "career," quotes, I had a hundred calls from employee -- from prospective employers of former employees asking me for my thoughts on the -- the prospective employee they are thinking of hiring. And I can tell you because of the -- of the cloud that hangs over the information you give that employer, too often you give a kind of a mealy mouthed response, and you really don't tell the truth about that employee. He may be lazy, he may be frequently, as Senator -- incidentally, Senator Berman, where's your taxi company when I need one in the rain? But often, the -- too often you just cannot level with the other -- with the

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

prospective employer. And I think this -- we could paint all kind of what-ifs again, but I think truth is truth, and if you say this person is incompetent or poorly trained or has poor work habits, you ought to be able to say that without fear of retribution of the employee somehow getting that information and sue you. Again, truth is truth, and I think this helps -- this helps the good employees, and it helps the employer.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. Chairman -- Mr. President and Ladies and Gentlemen of the Senate. I just have to point out real quick a couple of things. Apparently what this bill does is -- you know, my practice of law, if someone were to -- sometime were to call me and say, "I'm getting calls about a former employer -- or employee," you know, I don't know what to say because I don't want to be sued if I tell a prospective employer that this employee was a bad employer <sic>. I -- I would suggest -- I tell these people now, just ask -- ask the prospective employer to ask you, "Would you rehire this employee?" And if the answer is no, that gives them a pretty good indication of what this new employer should do. I don't know think we should make it easier for former employers to say what I would consider non-germane things about former employees. We're getting into crazy ground here, and to just say if it's truthful you could say it, we're going too far. I don't know what questions could be asked, how long it could go on. So if they're talking about some personal problems, you know, I -- I think we're going too far if all we say is if it's truthful, it's okay. But -- but the bill seems to be a paradox because what we're saying is, let the employer -- the prospective employer say whatever they want to say and they're going to be given immunity; however, don't ask questions about a record because what we'll do

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

is we'll wind up giving you immunity from prosecution as long as you don't know. It's kind of a don't tell, don't know -- so I don't understand what we're doing here, and I urge a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Jacobs

SENATOR JACOBS:

Senator, does this also include municipalities?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen.

SENATOR BARKHAUSEN:

This would include any employer.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jacobs.

SENATOR JACOBS:

So with that then, what we're saying is that if I want to hire a police officer and I ask for a background check, as we do now, I'm going to be held liable if there is something in that person's background; however, if I want to do away with that provision and not ask for a background check, and maybe this guy was a psycho in -- in the war and now has applied for a job as a police officer, if I don't ask him, I can hire him and not be liable. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I think your -- your own answer to your own question is -- is speculative. I think that is inevitably something of a gray area.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Let me just say, Senator, why the -- why the provision in this bill is worded the way it is. It recognizes that the overwhelming number of employers and prospective employers out there - ninety percent plus - certainly are very small employers; they don't have the ability to do background checks on, Senator Berman's example, somebody's driving record. They don't even have ready and probably inexpensive access to information perhaps even with regard to -- to criminal convictions. So it's -- it's the lack of easy availability of background information that -- that makes us write the bill the way it's written and leave employers liable only in the sense when they know somebody imposes an eminent risk to others.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jacobs.

SENATOR JACOBS:

Well, we just saw one up -- I think it was in Philadelphia or whatever on the boob tube where a cop come in and just ran into a melee and kicked somebody in the -- in the gut. You know, that could happen today. And I agree it's a gray area, but yet, at the same time, I'm sure that -- that's probably an exception because that person's background was probably checked. But I think if this bill passes, that that type of action will be commonplace, mainly because you have no background checks 'cause no one's going to want to do these background checks to be liable. That's my problem with the piece of legislation, and I urge a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you -- thank you, Mr. President. I rise in support of Senate Bill 355. I think there's a real problem today in the workplace where employers are -- are simply fearful of giving any kind of responses to inquiries from prospective employers, and



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

this -- this bill seeks to strike a balance, and if the response is truthful, it protects them, as -- as they should be. So I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR BARKHAUSEN:

Thank you, Mr. President. I'd just quickly make the point in closing that this legislation is honestly intended to benefit employees and prospective employees seeking employment as much as it is to protect employers who are being or might be sued today. As Senator Hawkinson said, I think this legislation does strike a fair balance, and I seek your support.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 355 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 voting Yes, 27 voting No, no voting Present. Senate Bill 355, having received the required constitutional majority, is declared passed. Senator Tom Dunn, for what purpose do you rise?

SENATOR T. DUNN:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Please state your point.

SENATOR T. DUNN:

Mr. President, up in the gallery here behind us are twelve children from Joliet who will participate in the Cinco de Mayo celebration today. I would ask the Chair to recognize them if they would, please.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Would you please stand? You've got wonderful

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

costumes, and we welcome you here to Springfield. Senator Berman, for what purpose do you rise?

SENATOR BERMAN:

I'd ask for a verification of the affirmative vote, Mr. -- Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman has requested a verification, and we'll ask all Senators to please be in their seats. Would Madam Secretary please read the affirmative votes.

ACTING SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR BERMAN:

Ralph Dunn?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Ralph Dunn? Senator Ralph Dunn. Is he in the Chamber? Senator Dunn, at the doorway. Any other questions?

SENATOR BERMAN:

Senator Walsh? Oh, I see -- okay. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

On a verified roll call, the Ayes are 31, the Nays are 27, no voting Present. Senate Bill 355, having received the required constitutional majority, is declared passed. Senator Garcia, for what purpose do you rise?

SENATOR GARCIA:

For a point of personal privilege.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

PRESIDING OFFICER: (SENATOR WATSON)

Please state your point, Senator.

SENATOR GARCIA:

Yes, Mr. President and Members of the Senate, it is my pleasure to inform you that Senators Dunn and del Valle have become cosponsors of the event today, which has become an annual, and today we celebrate the second annual May 5th celebration. Others are welcome to come on board. There is no fee involved, at least for the first year, and I would like to urge everyone to participate. But I would also like to inform you that the group that Senator Dunn is sharing with us comes from his district, is known as the Horseshoe Youth Folkloric Ballet, and they are here with their chaperones, along with some other high school kids from the State of Illinois who will be performing for us today at around noon. So, everyone, please, take a moment or two to come down there and watch the kids perform. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Very good, Senator. We're back on page 3 of the Calendar. Senate Bill 357. Senator Barkhausen? Madam -- out of the record. Senate Bill 361. Senator Fawell? Out of the record. Senate Bill 368. Senator DeAngelis? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 368.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Last year we passed a bill, 1339, which removed constructive fraud as the basis for appealing property tax appeals. The Circuit Court in Cook County thought that was unconstitutional because of a grammatical error in line 8

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

on page 3. So we went about trying to create something that would be acceptable. In the process, we called upon the Bar Association, the Civic Federation, Taxpayers' Federation, et cetera, and came up with a bill; however, in the process of making all these changes, one source of disagreement occurred, and that is the concern of the downstaters in us changing from the constructive fraud to the preponderance of evidence. What I have told them is that we will move this bill along, but it will not, in its final form, have statewide this provision. And I would ask your support for this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. To the bill: We had a great deal of discussion about this bill in the Revenue Committee, and there is still extensive opposition. And let me give you some of the reasons: There is a question about the effect on local governments and homeowners, with the idea that it would be disastrous; that, first, most tax objection suits are filed by owners of high-valued properties and homeowners would be -- the cost would be shifted to homeowners. Secondly, there's a question about the cost to school districts, and certainly we don't need to get into that can of worms at this point. And thirdly, the -- the whole issue of constructive fraud as a standard is much too difficult to prove, and it's unreasonable. And certainly, the question of appraisal versus assessment is an issue that has not been settled yet. So, at this point, I would say let us vote No on this until these matters are settled, and we certainly have the Veto Session in which to do so.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Thank you, Mr. President. I rise in support of this process, in passing Senate Bill 368 today. Senator has worked long and hard, as has the Chicago Bar Association, the Civic Federation and others. There still is one minor problem regarding the application of the -- the burden of proof, which I think I would prefer to be clear and convincing, as opposed to the preponderance of the evidence in this bill. But there is a real problem that needs to be addressed. We have the assurance of the sponsor that if this is going to have statewide application, that it would have a clear and convincing standard in it; otherwise, it would not have the impact on -- on downstate. And so I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Berman.

SENATOR BERMAN:

Let me just ask a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Berman.

SENATOR BERMAN:

I'm sorry, I didn't hear his opening comments. Is there a commitment to move the burden of proof to the clear and convincing, rather than preponderance?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

There -- only if it has statewide implications.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Berman.

SENATOR BERMAN:

Could you repeat that? What's the answer?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

SENATOR DeANGELIS:

I made a commitment to those people in downstate, whose system seemed to be functioning fairly well, that I would not impose that rule of evidence on them, and if it were in there, I would ask the Governor either to veto the bill if it passed, or urge the House sponsor not to pass it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Berman.

SENATOR BERMAN:

Let me rephrase it, because I'm not sure I understand the answer. This bill, at the present time, eliminates constructive fraud burden of proof and imposes a preponderance of evidence burden of proof to -- to -- to void an assessment. What's the form that you, as the sponsor of this bill, want to see in the bill as it applies to the Cook County burden of proof?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

For Cook County, preponderance of evidence.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Berman.

SENATOR BERMAN:

All right. I rise in opposition to the bill, and let me try to explain. And sometimes these things get a little confusing. What you are going to do, based upon the representations of the sponsor - and I appreciate his candor, although I don't agree with his candor - is that you're going to involve the assessment process in such litigation, such an expense to the taxpayers of Cook County, in the process itself, that it will be outrageous. And what I mean by that is this: Every owner of a substantial piece of commercial property is going to go to court after the administrative processes, but they're going to wind up in court

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

with all of the experts. It's going to be an O. J. Simpson case on every type of assessment for commercial and industrial property before the Circuit Court of Cook County, where they're going to bring in all these experts to show that one point over fifty percent of the truth is that the assessment is too high. Now that's the -- that's the preponderance of the evidence. One percent more than half - that's preponderance of the evidence. Now, there isn't a property owner with any kind of resources that can't go into court and bring in experts to say that the assessor's assessment of my building is too high and here's twenty -- twenty experts that show that it's a million dollars less than the assessor said, five million dollars less than the assessor said, et cetera, et cetera. Not only you're going to increase the costs of government in Cook County, you're going to hit the residential taxpayers with a substantial increased burden of the government costs, because it's going to result in dramatic reductions in industrial and commercial real estate assessment in Cook County. The proper, I might suggest, approach is what Senator Hawkinson questioned regarding downstate: that if you can't come in with clear and convincing - that's sixty-five percent, seventy percent, seventy-five percent; these are theoretical numbers - overwhelming proof - overwhelming proof - not just a shade better than half, but overwhelming proof - that the assessor's assessment is outrageous, if you can't show that, you don't get any relief. Now, that's our present system to -- to a -- to an even greater fault. But the point is - the point is - that you're going to hit every homeowner in Cook County with a terrific burden if this bill passes. This is a great political vote, my friends on the other side of the aisle that live in Cook County. You're voting for this. This is worse than a property tax increase for all of Cook County. I urge a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

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

SENATOR DeANGELIS:

Well, first of all, Senator Palmer, we cannot continue to work with the bill if it doesn't move along. So that statement is somewhat dichotomous. I appreciate your concern, but if your solution is to keep working it, you ought to vote Yes, because that's the only way you can do it. Senator Berman, I love your Robin Hood mentality. What you're saying is, if a business owner is getting screwed on their assessment, let's keep them getting screwed, because if we serve them justly, someone else may have to pick up that tax burden. Well, you know, if you're going to do that, why don't we just throw out the whole assessment process and let the assessor impose whatever he or she wants, and then let's turn around and tell the homeowners how much we have really saved them because we have imposed upon another class of people unjust taxes. What is so wrong - what is so wrong - with saying, if you're more than fifty percent right, you're right, rather than having to be sixty-five percent right? I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 368 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 35 Ayes, 20 Nays, and 2 voting Present. And Senate Bill 368, having received the required constitutional majority, is declared passed. Senator Carroll, for what purpose do you rise?

SENATOR CARROLL:

Thank you, Mr. President. On a point of personal privilege, if I might.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR CARROLL:



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Today I guess would be considered a day in infamy in Illinois history. It is the day in which several famous citizens of Illinois celebrate their birthday, starting with such great people as W. Clement Stone; our former Attorney General, Neil Hartigan; the former Presiding Officer of this Chamber, Phil Rock; and then now reaching a very, I guess, important milestone in his life and -- and some may say the beginnings of old age, my seatmate, Senator Art Berman. Today is the day in which he achieves his sixtieth birthday. Senator Tom Walsh has already said he's been giving him his birthday present all year, and that is by losing to him on the tennis court. So we have only been asked by his minions of friends to ask him: Now that he has achieved the ripe old age of sixty, will he, as part of his birthday gift back to the people of Illinois, take it a little easier on the young guys when they're playing tennis? Happy birthday, Arthur.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Happy birthday, Senator Berman. The Chair has been asked to remind the Members that Rudy Kink from the General Assembly Retirement System is in Room 317, behind the Chamber. He will be here until 4 p.m. On the Order of Senate Bills 3rd Reading, Senate Bill 377. Senator Watson. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 377.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This bill is exactly what it says in the Calendar, except for the implementation date. It's been delayed a year. Many of you may recall, during last Session we passed Senate Joint Resolution 173, which created a fifty-three

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

member Work Group in the area of early childhood. That particular group -- that particular group met about five different times through -- throughout the summer, fall, and even winter and spring - actually for the last year - trying to come together with some sort of an agreement and a report that was asked to be given to the General Assembly and the Governor's Office. Believe me, we had a -- a very diverse group. All political spectrums and interests and -- were involved. And for us, I think, the fifty-three-member group, to come up with recommendations that you'll have before you today, was quite a -- quite a feat. You should have all received the -- the Work Group on Early Childhood, it's report to the Governor, Illinois General Assembly, March 1995, and those -- in here are the recommendations. Now, we did amend this legislation a couple of different times to -- to make some changes and try to address some concerns of -- of not only the Governor's Office, State Board of Education, but even some of the -- the political groups who have some problems and concerns with this legislation. Basically what we're asking here today is to establish what we call a Ready to Learn Program, and this ready-to-learn program - and contrary to maybe -- from what some of you might be told - this would be a voluntary program, both by the groups involved - the private groups or the schools groups - and even the parents. This is not a mandatory program. This is not a government grab, so to speak, of our -- of our young people. We ask for consideration. Again, a demonstration project in the area of a full-time pre-kindergarten effort. We have established a Ready to Learn Council in the State Board of Education. The idea behind that -- that theory and that thinking is that we have various groups out there in State government. We're trying to consolidate and collaborate and work together to try to streamline the system. That's what -- the idea behind a Ready to Learn Council. We have a consolidated local planning. And those of you

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

who understand the problems that some of the delivery services are having out in our districts, in understanding where these geographic lines are and who's to serve their particular areas, it's a major problem. We're trying to consolidate that local planning. We try to create a system that's user-friendly. Again, all the various agencies and programs that are out there, we think that should be consolidated and an effort should be made to do so, and we create a -- mega-computer system and a -- what we call a seamless system to try to create a system that is user-friendly. That's pretty much the essence of the bill, Mr. President. I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I want to commend the sponsor of the bill, Senator Watson, for his leadership. He was the Co-chair of the Governor's Task Force. As Senator Watson indicated, there were many members in that group. It was a very diverse group, representative of -- of the entire State, of both the public and private sector. The long list of -- of endorsements for this bill is one that I'm sure has reached your desk. The intent here is to improve the quality of -- of early childhood education in the State of Illinois, to increase the efficiency of the programs and ensure coordination at the federal and State level. It is a major step in the right direction, and I think the main beneficiaries of this legislation will be the working parents in the State of Illinois who are in dire need of quality day care and early childhood ed programs. And so I ask our Members on this side of the aisle to fully support this piece of legislation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? Senator Palmer.

SENATOR PALMER:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Thank you, Mr. President. I, too, want to compliment Senator Watson for an excellent piece of work. This bill is comprehensive. It's sensible, and it offers some long-term solutions to many of the stickiest problems that we are facing this day. And it also gives meaning to a lot of the statements that we have been making both in the State and in the nation that, by the year 2000, all young children will enter school ready to learn. I would urge that we strongly support this and wish this Work Group well as it begins to implement the features of this bill as the years go along. And thank you, again, Senator Watson.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Lauzen.

SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Lauzen.

SENATOR LAUZEN:

Well, first of all, we have a very diverse State. There's good people next door to each other to all the way across the State who have diametrically opposed opinions and views and interests. What everyone agrees with in your legislation is certainly the -- that we have the interests of our children at heart. How we get to fulfilling that goal is a matter of opinion. How would you respond to criticism of this bill that this program links perfectly normal, healthy, young parents to the State's social services referral system, helping to develop a whole new welfare dependent class? The emphasis would be: What is this bill doing to create a new bureaucracy?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Well, Senator, first of all, I think that it -- it is an

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

overstatement, the beginning part of it there. I really question some of the language there. As far as a new bureaucracy, what we're trying to do is actually consolidate. We have Head Start. We have day care systems. We have pre-kindergarten. We have Even Start. One of the thrusts of this commission and this Work Group was to try to consolidate not only programs, but streamline the -- the financial -- revenue stream also. So it's an effort, I think, by -- by this group and this Work Group to try to streamline and consolidate and collaborate.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

What will be the cost of the -- eventually this program -- if you were to predict about three to five years out, what will the cost of this program and the additional services being provided through this program? What do you think the costs are?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Well, it's hard to estimate it. It would be basically up to the General Assembly and to the appropriations process. Over the years, we have increased the funding for pre-kindergarten programs. I'd like to think that we would be able to, again, consolidate some of the funding that's going on. If, in fact, we're going to get block grants from the federal government for Head Start, maybe there's an opportunity that some of those funds could be consolidated with pre-kindergarten efforts, day care efforts and in -- in trying to necessarily hold down the spending, Senator, because I know -- I believe that's what -- where you're coming from.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

SENATOR LAUZEN:

What is the relationship between this legislation and the Goals 2000 Educate America Act?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

If there was no Goals 2000 Education Act, this legislation would certainly be appropriate at this time. I just think that the fact that there's a statement out there and a -- a new century about to begin, the thought that this legislation is really trying to get our kids in a position to -- ready to learn, so to speak, by the -- by 2000 is just simply a statement. It has nothing to do with the program itself.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Final question: Is there any statement in this -- in this bill that says something to the effect of children will receive nutrition and health care needed to arrive at school with healthy minds and bodies, which is certainly a laudable goal? But my question: If there is something in this bill that says something to that nature, I would ask, who will determine what a healthy mind is, and who will quantify these things, and what will be the sanctions if -- if a parent -- to a parent if a parent does not have his -- his or her children ready to meet those standards?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Senator, this would be a decision that would be made by the interested group or party or facility at the local level who wants to get themselves involved in this program. Not -- this is not a mandate. This doesn't require anyone to -- to participate. And

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

as a result, that decision and those standards that are being established would be -- have to be complied with if, in fact, that facility or unit of -- local education unit would like to get involved.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Viverito.

SENATOR VIVERITO:

Thank you, Mr. President. I would like to rise in favor of this particular bill and commend the sponsor for this suggestion, because consequently, I have had experience in my township of -- of having child care, especially for the individual persons that are out there working and -- and have no way of -- of taking care of their children. And we have had great results in our township, where we have a preschool as well. We have a day care from 6 in the morning till 6 at night. And these children, when they start first grade, are well prepared and are becoming some of the outstanding students as they go on to school. And it will have a great effect, I think, on all families, because, consequently, if we can start getting them at an early age, we can prevent the delinquency at an older age. And I commend Senator Watson. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR WATSON:

Well, I appreciate the remarks of Senator Viverito, 'cause that's exactly what we're trying to do here. We do have a problem in this country and in this State, and it -- and what we try to do to solve that problem is build more prisons and create more penalties for those people who commit crimes against society. What we need to be doing, I think, is refocusing and readdressing our efforts at an earlier age, and I think that that's basically

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

what we're trying to do here. We -- we passed welfare legislation here and -- and -- in an attempt to try to solve what I think is a major social problem, but I think we can't stick our head in the sand and -- and think that that's going to solve everything. We need our young people, give them an opportunity to -- to enter school with -- ready to learn and ready to -- to better themselves, and that's what this is all about, Mr. President, and I'd appreciate the support of the Members.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 377 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 43 Ayes, 12 Nays, and 3 voting Present. And Senate Bill 377, having received the required constitutional majority, is declared passed. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Thank you, Mr. -- on a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR DEMUZIO:

I'd also like the Senate to -- to recognize and say thanks to -- to Tony Trapani, who's leaving us today. He's been with us since February of 1991. He's going back to school, where he should. And we want to say: Tony, good luck to you in the future, and you did great work here, and Godspeed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Congratulations and good luck. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

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



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I'm delighted to have with us today from my hometown of Zion, Illinois, the Central Junior High School. They're sitting in the Democrat side of the Gallery, but we don't hold that against them. They're here with their teachers, Bill Valeruga, Chris Reed, Steve Richter, Rich Oates, Laura Marshall, Dennis DeBennete, Chris Freeman, Theron Otterbacher, Jenny Arnold, Greg Thiemeyer and Stacy Flanigan. Like you all to welcome my constituents and friends from Zion.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests please rise and be recognized. Welcome to Springfield. Senate Bills on the Order of 3rd Reading, Senate Bill 393. Senator Peterson. Out of the record. Senate Bill -- Senate Bill 403. Senator Shaw. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 403.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 403 is a bill that was put forth to bring the State in compliance with federal law, as it relate to young kids bringing weapons into -- into various schools around this State. And that's basically what the bill does.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, one of my districts is opposed to this because they think it's too lenient. They have a -- they have a stronger policy on expulsions for more than a year, and it's a large school district. Is there anything in your bill that would prohibit a school district from having an even tougher expulsion policy or a longer expulsion for possession of weapons?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

No, there's nothing in the bill that would prohibit that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? If not, the question is, shall Senate Bill 403 pass. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And Senate Bill 403, having received the required constitutional majority, is declared passed. On the top of page 4 of your regular Calendar, Senate Bills 3rd Reading. Senate Bill 432. Senate -- Senator DeAngelis. ...of the record. With leave of the Body, we may return to the Order of Senate Bill 415, and then we may not. Senate Bill 3rd Readings. Senate Bill 445. Senator Raica. Senator Raica. Out of the record. Senate Bill 483. Senator Rauschenberger. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 483.

(Secretary reads title of bill)

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senate Bill 483 is a vehicle bill that we'd like to send to the House for use later in the Session as we continue negotiations on the budget. I would urge a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

A process question, Senator: If we send appropriation shells over to the House, and the House adopts a budget, we really don't have any amendment process available to us, do we?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I think technically you're correct. The House has sent us five vehicles, however, and we're hoping to avoid conference committee on this and work out an agreement in advance. But you are correct: sending a shell would preclude an amendment.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Well I guess, in part, that's a fear I have; that without the amendment process, the only thing we have left if there are parts we disagree with in this budget, is a conference committee, and I would hope that this wouldn't somehow be done without full input of all the Members on both sides of the aisle and that -- that

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

we're not going to be speeding this up in such a way as to avoid that process.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I -- I certainly agree with the sponsor's sentiments. We hope to avoid a conference committee and -- and work this out in advance so that we do not have to non-concur and put it in conference committee. That's also the reason, however, that we requested five shells.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you -- thank you, Mr. President. I agree with the previous speaker, Senator Hawkinson. The fact of the matter is, once these shells leave and come back - if they come back - we have little -- little input as to what's going to be in them, and I just think to vote out an empty shell at a time when -- when both Chambers, both sides, are not communicating as well as we should be with the budget, just is not a step in the right direction. And I would a No or Present vote on this side.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Senator Rauschenberger, let me congratulate you. Being here as long as I have, not only do you not want the Democrats to have to worry about voting on the appropriation bill, you don't even want the Republicans. So I want to say congratulations to you. You've cornered the market.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall Senate Bill 483 pass. Those in favor will vote Aye. Opposed will vote

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 25 Nays, 1 voting Present. And Senate Bill 483, having received the required constitutional majority, is declared passed. Senate Bill 484. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 484.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

In the interest of time, this is precisely the same thing as the previous bill. It has nothing in it. It's a procedural movement to send this bill to the House Chamber. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 484 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 25 Nays, 1 voting Present. And Senate Bill 484, having received the required constitutional majority, is declared passed. Senate Bill 485. Senator Rauschenberger. I beg your pardon. Senator Jones, for what purpose do you rise?

SENATOR JONES:

Yeah. Thank you, Mr. President. I see you do have a series of shell bills there, so why don't you just call them all off and save a lot of unnecessary time. Call off all the shell bills and then let them go out 'cause that's the way they're going to be

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

voted on. Rather than go through the individual bills that you have up there, let's call them all off 'cause -- we all know what it is.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you for your comment, Senator Jones. Senator -- Senator Rauschenberger, on Senate Bill 485.

SENATOR RAUSCHENBERGER:

Thank you, Senator Jones, for the comment. We just have two more bills after this one. So we'll just do them on individual roll calls, with deference to you. Same as the previous two, I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? The question is, shall Senate Bill 485 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 25 Nays, 1 voting Present. And Senate Bill 485, having received the required constitutional majority, is declared passed. Senate Bill 486. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

The same...

PRESIDING OFFICER: (SENATOR DUDYCZ)

I beg your pardon. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 486.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

The same is as the previous bills. I would appreciate a

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

If there's no further discussion, the question is, shall Senate Bill 486 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 23 Nays, and 3 voting Present. And Senate Bill 486, having received the required constitutional majority, is declared passed. Senate Bill 490. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 490.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

This is the last in my short series of legislative career, and I'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

If there -- if there's no further discussion, the question is, shall Senate Bill 490 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 24 Nays, 2 voting Present. And Senate Bill 490, having received the required constitutional majority, is declared passed. On the top of page 5 of your Calendar is Senate Bills on 3rd Reading. Senator O'Malley, do you wish that Senate Bill 532 be returned to 2nd Reading for purposes of an amendment? Madam Secretary, Senator O'Malley seeks leave of the Body to return Senate Bill 532 to the Order of 2nd Reading for the purpose of an amendment. Hearing no

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

objection, leave is granted. On the Order of 2nd Reading is Senate Bill 532. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Members of the Senate. The amendment to Senate Bill 532 clarifies that there would be an additional principal and an additional pensioner added to the -- the pension board in question and that the principal would be selected from a class of principals, as opposed to a class of teachers.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of Senate Bills 3rd Reading, Senate Bill 532. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 532.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Again, thank you, Mr. President and -- and the Members of the Senate. Senate Bill 532, as amended, amends the Chicago Teacher



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Article of the Pension Code to require additional trustees to the -- to the Pension Board, one of whom will be a member of a principal class and an additional pensioner. The Board currently consists of ten members; two members of the Chicago Board of Education, six active teachers and two pensioners. The effect, again, of this would be create a twelve-member Board with, again, one -- one additional member being from a principal class and an additional pensioner. Be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you, Madam President, Members of the Senate. There was opposition to the bill in committee from the Chicago Teachers' Union. They pointed out that the Downstate Teachers have no such requirement that there be a principal. This -- I guess we should be happy, at least, that it's an election that is being allowed here rather than a Governor's appointment, but they did indicate that they are opposed. The principal certainly could run right now and get elected, but this would, once again, tinker with the makeup of the Board of Trustees of the pension of the Chicago Teachers' Union. And I just wanted to point out that they -- they -- the union was opposed to the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further discussion? Senator O'Malley, to close. The question is, shall Senate Bill 532 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 40 Ayes, 17 Nays, 1 voting Present. Senate Bill 532, having received the required constitutional majority, is declared passed. Senator Berman, for what purpose do you rise?

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

SENATOR BERMAN:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR BERMAN:

I'm very pleased to offer to all of my wonderful colleagues a little birthday cake in the -- at the bottom with my wonderful secretary, Mary, cutting up the cake. I know everybody here wants to cut up and get a piece of the cake, so please help yourselves.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hasara, for what purpose do you rise?

SENATOR HASARA:

Thank you, Madam President. Standing to my right over here is Brian McFadden, who has been a staff member, an excellent staff member of the Senate for the last eight years. As you've probably read, or have heard, Brian McFadden is coming to the City of Springfield starting next Monday as my chief of staff. Certainly the City of Springfield tends to gain from the Senate's loss. I have worked with Brian for -- over the years, particularly in the last few months, when he was my campaign manager. And I have to say that I have never met a thirty-year old who is so sharp and such a hard worker. So I certainly look forward to a lot of years with Brian McFadden and, believe me, Springfield is better off for it. So let's give Brian a big hand, and you're going to be missed around here, Brian, I know.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz, for what purpose do you rise?

SENATOR DUDYCZ:

Thank you, Madam President. I also stand on a point of personal privilege. Brian, I don't believe that you're thirty years old. I still remember you when you were twenty-two years old and a young staffer came to the Senate, licking stamps. And

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

look at you now: you're working for the mayor and you're still licking stamps. Ladies and Gentlemen, Brian McFadden has over the years become more than a staff person; he has become a member of my family, having lived with my mother and father for three months during my congressional campaign as my press secretary, being a campaign manager of mine during my 1992 very, very difficult reelection campaign. He was the campaign manager for Comptroller Loleta Didrickson's successful campaign. And as we all know, our colleague and our newly elected mayor, Karen Hasara, was very fortunate to have Brian McFadden as her campaign manager. This young man is extremely talented. I have grown very fondly of him. I wish I had another daughter that I could marry off to you, Brian. You have become more than a staff person; you have become a close personal friend and almost a relative. And just to add that our loss in the State government is truly Springfield city government's gain. Best of luck to you, Brian, and much success.

PRESIDING OFFICER: (SENATOR DONAHUE)

On the top of page 5 on the Order of 3rd Reading is Senate Bill 542. Senator Watson. Senator O'Malley, on Senate Bill 554. Senator O'Malley, on Senate Bill 565? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 565.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and Members of the Senate. Senate Bill 565, as amended, renames the Board of Appeals of Cook County to the Board of Review. It adds a third member to the Board. Provides that each Member shall be elected from areas that are --

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

individual districts. Provides that any decision of the Board must be unanimous, which is consistent with current practice. Directs the General Assembly to apportion -- to be the apportioning entity concerning the development of the districts from which they -- the new commissioners will be elected, and gives Cook County property taxpayers access to the State's Property Tax Appeal Board, the same as all other counties, beginning with the 1996 assessment year. If there are any questions, I'd be happy to answer them.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. We discussed this yesterday on the Floor, and I want to remind our Members again that there was a fiscal note attached to this that it will, in fact -- it has the potential of increasing PTAB's caseload, at least -- by at least ten thousand cases a year, which is an additional cost; that the Cook County Board of Appeals is already, as Senator Berman has said, frequently providing a process by which Cook County tax reviews can proceed; that this is -- the possible cost to the State with the added caseload and staff for PTAB could possibly reach a much as 1.5 million dollars. And this does not even take into account PTAB's current cumulative case back load of eighteen thousand four hundred. I suggest that there are other, perhaps, underlying reasons for this bill but that this is a bad bill, and we should vote No against it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would ask all of us to just pause for a moment. If you recall a debate on a different bill dealing with schools, Senator Hawkinson

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

talked about trying to move away from micromanaging, and this bill moves in exactly the opposite direction. This is a political power grab. What we are seeing here is that a system that provides relief to approximately one out of every two property taxpayers - residential property taxpayers - in Cook County and has been very responsive to residential property taxpayers concerns is going to be abolished, and a new system, which will probably be controlled by the Republican Party, which, I would point out, is a minority party in the County of Cook, they will take over the Board of Tax Appeals in a new process that I can guarantee will not be responsive to the individual property -- residential property taxpayers but will take care, as we saw with Senator DeAngelis' bill, of the commercial and industrial property taxpayers so that the little guy will wind up paying more. If that's the approach you want, vote Yes. If you want to take care of your voters and your residential owners, vote No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? If not, Senator O'Malley, to close.

SENATOR O'MALLEY:

Again, thank you, Mr. President and -- and thank you for the comments from the other side of the aisle. You know, Cook County taxpayers already pay for the Property Tax Appeals Board, and to deny them access to it, is more than just failing to give them due process. And I would also tell you that as far as -- as far as the comments about the Property Tax Appeals Board and who is going to have access to it, from my own personal experience, the greatest beneficiaries of this will be the residential homeowners of Cook County, who will have an opportunity now to have one other level of due process. I'd request your affirmative vote on this and speak up for the citizens of Cook County who are citizens of Illinois, as well, and deserve access, just as every other citizen

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

in Illinois does, to the Property Tax Appeals Board. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 565 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 26 Nays, none voting Present. And Senate Bill 565, having received the required constitutional majority, is declared passed. Senator Clayborne, for what purpose do you rise?

SENATOR CLAYBORNE:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR CLAYBORNE:

Ladies and Gentlemen of the Senate, I would like to -- for you to pay recognition to the Mayor of Belleville, Roger Cook, and police officers from Belleville, Illinois, in the 57th District. They're' -- they're right over my head.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests stand and be recognized. Welcome to Springfield. Welcome to all of law enforcement to Springfield. Senate Bills on the Order of 3rd Reading, Senate Bill 584. Senator Woodyard. Out of the record. Senate... Resolutions.

ACTING SECRETARY HAWKER:

Senate Resolution 66, offered by Senators Shadid, Carroll, Berman and President Philip.

It is substantive.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shadid, for what purpose do you rise?

SENATOR SHADID:

Mr. President, I'd like to move to consider suspending the rules to discharge the committee and ask for approval of Senate

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Resolution 66.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shadid moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Resolution 66. Those in favor will say Aye. Opposed, Nay. The Ayes have it. The rules are suspended. Senator Shadid, to explain the resolution.

SENATOR SHADID:

Mr. -- Mr. President and fellow Members, in 1987, the State Department banned travel to Lebanon for citizens of the United States, and this resolution is requesting that that ban be lifted, and we're requesting the Illinois Congressional Congregation <sic> to do so, with the State Department.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shadid has moved for the adoption of Senate Resolution 66. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Senator Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR CULLERTON:

Thank you, Mr. President. It looks like we are all under arrest here, but it's -- it's not the case. We are joined by law enforcement officials from all over the -- the State of Illinois. They're here for a memorial tribute to their slain colleagues, and I wanted to recognize their presence and welcome them to Springfield.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Our guests please rise and be recognized. Welcome to Springfield. Seth Perlman from the Associated Press requests permission to photo -- take photographs. Hearing no objection,

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

leave is granted. For the -- for the Membership's information, the Appropriations Committee Chairman has announced that there will be Appropriation Committee meeting at -- at 11:45. The hour of 11:45, having arrived, he -- the Appropriation Committee will be meeting shortly in Room 212. The Senate will stand in recess until 12:15. For the information of my -- just for the information of our guests in the gallery, my fellow officers, what we are doing is recessing till the hour of 12:15 so that the Appropriations Committee can meet and take care of their business. Senate rules prevent the Senate from being in -- in Session while any committees meet. We will be recessing for -- for about half hour. We will be returning and we will be continuing with the order -- Senate business.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

The hour of 12:15 having arrived, the Senate Appropriations Committee having concluded their business, will the Senators within the earshot of my voice please return to the Senate Floor? We will be going to the Order of Senate Bills 3rd Reading, starting with Senators Bowles, Parker, Donahue, Raica and Butler. ...Bills on the Order of 3rd Reading. Senator Bowles. Senate Bill 597. Senator Bowles. Out of the record. Will the Members please return to the Floor? We are on the Order of Senate Bills 3rd Reading, final action. Members, please return to the Floor now. Committee Reports.

SECRETARY HARRY:



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Senator Rauschenberger, Chair of the Committee on Appropriations, reports Senate Bill 923 - the motion to concur with House Amendment 3 Be Adopted.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Resolutions.

SECRETARY HARRY:

Senate Resolution 67 <sic> (SJR 45), offered by Senator Cronin.

It's substantive.

Senate Resolution 68 <sic> (67), offered by Senator Hendon.

It's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Consent Calendar. For the benefit of the Membership, the Chair will be using the timer as a guideline for -- so we could keep our rhetoric down and keep the discussion down to a minimum so that we will not have to possibly be here tomorrow. If we are able to conclude our business today, then we will not possibly be here tomorrow. So, the Chair will be imposing the timer as a guideline of -- not be strict with it, but hoping that the rhetoric be kept to a minimum. Senate Bills in the Order of 3rd Reading, in the middle of page 5. Senate Bill 597. Senator Bowles. Out of the record. Senate Bill 601. Senator Parker. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 601.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. Chairman, Ladies and Gentlemen of the Senate. This bill merely authorizes that we can have one private prison

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

facility. It does not convert an existing prison facility. This would be a new seven hundred bed minimum security. It does not repeal the Moratorium Act. It's permissive. It could just privatize a facility and even not the operation. Oversight is by the Department of Corrections. The goal is to achieve more prison beds and to relive overcrowding. I'd be very happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. I rise in opposition to the bill. We heard testimony in committee. What this would do would be to create a private prison. Now the -- the problems with this are, we have to look and see, first of all, what would the motivation be; why would we want to do this. Well, maybe, number one, we'd want to do it because we'd save money. That would be a good -- good idea. The problem is that in other states where they have had private prisons, they haven't saved any money. In Tennessee, a State Representative recently said that "We haven't saved all the millions we were told we would save." The cost is so close between private and public that neither one is an advantage over the other. However, the private prison ranked slightly higher, or the same on administration and health services and mental health, but lower on safety and conditions. And safety, I would think, would be one of the primary concerns of us, as State legislators. You know, privatization is something that the -- the Governor was interested in and formed a task force, the Private Enterprise Review and Advisory Board. They recommended that dozens of State services be privatized, but they said that while privately owned and operated prisons have been tested in several states, the long-term cost savings have not yet been demonstrated. There are some obvious problems when a private

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

prison has financial problems. This bill says that they have to submit a plan for what happens when there is a financial problem, but it doesn't particularly give us any guidance as to what that plan would be, and as a result, we might be jeopardized in terms of our safety. So if we don't save any money, and we jeopardize our potential safety, I really don't see what we're gaining as a result of passing the legislation. So I think that we should very seriously consider the merits of the bill and vote No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? Senator Rea.

SENATOR REA:

Thank you, Mr. President, Members of the Senate. I rise in opposition to privatization. I -- I've -- I'm very concerned about the quality of service, very concerned about the turnover that will take place, whenever you contract out. I'm very concerned about the loss of jobs, especially to people of -- that so much need those. I -- I'm afraid that whether it's in corrections, mental health, veterans' homes, that this will have not only an effect upon the care, but also it will have a serious effect upon security, safety, health. And I certainly would oppose this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Shadid.

SENATOR SHADID:

Yes. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield? Senator Shadid.

SENATOR SHADID:

My concern is that -- I have several concerns. One is, where will it be built? I don't suppose that's been decided yet.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

SENATOR PARKER:

The Department of Corrections will site it just like they do any other facility at this present time.

END OF TAPE

TAPE 3

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shadid.

SENATOR SHADID:

And my personal feelings are that we don't need anymore minimum-security prisons in the State of Illinois. What we need is medium- and maximum-security prisons. A minimum-security prison is nothing more or less than a campus where they can usually go in and out whenever they feel like it. I think there's other ways to solve this problem instead of building a minimum-security prison. And I'm also opposed to putting private business in the prison business. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR PARKER:

Thank you, Mr. Chairman, Ladies and Gentlemen of the Senate. I want to address some of the concerns that were stated. First of all, the cost savings: It has been documented that there are cost savings. In Texas, they have in their Statutes a ten percent that they must achieve in cost savings and in Florida, seven percent. In Florida alone, in 1993, there were two seven-hundred-and-fifty-bed facilities built. In three years they

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

were able to save -- they were able to save -- projected nine million dollars. The safety: It has been proven that it is safe. We have gone to a minimum-security prison because we are dealing with nonviolent offenders. The plan -- there is a plan like we do with anything else where the person who is contracting this must have financial stability. The quality of service: There has been a good record of quality with privatized prisons. Loss of jobs: We are not losing jobs; we are creating jobs. And I want everybody to focus -- we are not losing jobs with this bill. We are creating jobs. You need to focus on the purpose of this bill. And the purpose of this bill -- the goal is very simple. It's to create more beds for the prison system. It's to relieve overcrowding. In Jacksonville, which I did visit a minimum-security prison, their capacity is five hundred. They have almost a thousand people there. We are facing today a crisis in our space and costs that this system now, as it is, cannot solve on its own. We need to build fifteen prisons in ten years. We need at least twenty-three thousand more beds, and that's with no increase in sentencing, or not counting any new laws that will be created from the bills passed this year. Three deaths this year have been attributed to overcrowding in prisons in the prison system. This bill is really a safety valve for the workers who work there because of the dangers now existing in overcrowding. It is permissive, and you have to understand that under this, this will be under the prerogative of Department of Corrections. They can just build the facility and not privatize the operations. It is their choice to do what they want, and it is our choice and our responsibility to relieve the overcrowding, to get the beds that are needed. If you can relieve it with minimum security, you then have more space for the medium and maximum security that now the minimum-security people are taking up because they're in that population. I urge a Yes vote on this bill.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 601 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 27 Ayes, 30 Nays, and none voting Present. And Senate Bill 601, having not received the required constitutional majority, is declared failed. Senator Parker seeks -- requests Postponed Consideration. Hearing no objection, leave is granted. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR GEO-KARIS:

I'm delighted to introduce to this Assembly today two very distinguished people from my district, Dr. and Mrs. Charles Daugherty, from the Presbyterian Church of Libertyville. They're sitting in the -- the gallery right over here. I'd like us all to welcome them here.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests in the gallery please rise and be recognized. Welcome to Springfield. On the Order of -- the middle of page 5 on the Order of Senate Bills 3rd Reading. Senate Bill 611. Senator Donahue. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 611.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 611 deals with a situation with nurses that come to Illinois from a foreign country. Right now we have a -- a test that they must take - an English proficiency test. Unfortunately, if you come from an English-speaking country, you still have to take the English-speaking proficiency test. We're just simply saying -- giving the Department the authority to waive that if they come from an English-speaking community -- or, country. So I would ask for your support of Senate Bill 611.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Bowles.

SENATOR BOWLES:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Bowles.

SENATOR BOWLES:

Senator, you're -- you're talking about English speaking. Now, could this be someone who resides, we'll say, France, but has -- can articulate situations in the English language? Would this exempt them from this testing?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

Not exactly. We're going to let the Department make the decision on that. Right now there is no exception whatsoever. Wherever you come from outside the United States you must take this test. We're trying to give the authority to have some latitude with the Department.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bowles.

SENATOR BOWLES:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Is -- is this because -- are we experiencing a shortage of nurses or -- what -- what is really the background on this, Senator?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

Thank -- thank you, Mr. President. Many years ago we passed legislation dealing with a shortage and this is the way the law reads now: that you have to take the test no matter where you come from outside the United States. And we're simply saying, to try to change that, that if you come from an English-speaking country, that you don't have to take the test.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Berman.

SENATOR BERMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Berman.

SENATOR BERMAN:

If somebody comes from -- you know, and I'm not sure what an English-speaking country is. How do you define an English-speaking country? I mean, America -- unless we pass a bill that says English is our official language, I'm not sure we're an English-speaking country. What -- what's an English-speaking country?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

We're trying to -- we're going to let the Department decide this. 'Cause we've passed this very same language for the physical therapists earlier this year. So what you're -- the situation that you've just explained is part of the problem, and



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

that's why if we define it by English-speaking country, then we get ourselves "what is". So we're trying to let the Department have the latitude to do this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? Senator Berman.

SENATOR BERMAN:

My analysis indicates that the Illinois Nurses Association is opposed to this. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

Their opposition was based on the Department's opposition, and the Department's opposition is now neutral.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Berman.

SENATOR BERMAN:

Well, I -- I'm not sure I understand. My problem is this: If I run -- if I go into a hospital, I'm not sure I'm very comfortable in knowing that because some -- somebody in the Department of Professional Regulation waived somebody's credentials, the nurse that's supposed to treat me can't understand me. I'm -- I'm very concerned about that, because I don't pick the nurse; the hospital does. So I think you've got to do some convincing to me to -- to -- to convince me to vote for this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

...(microphone cutoff)...had a situation in my district where we had recruited a doctor from Canada. We had trouble getting his credentials through the bureaucracy in Springfield, but that was all taken care of. He's on the border that was -- and he came to

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Carthage, Illinois as a urologist. His wife is a nurse. She had a job. She comes from Canada. She speaks Englishly -- English more fluently than I do, and she's sitting on the border and she couldn't take the job because the Department of Professional Regulations offers the test once a year. This was in August. She couldn't take the test till March. We lost a good nurse. All I'm saying is, it doesn't make sense that if you have people out there that speak English, they have to take an English proficiency test. Why do we do this?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Berman.

SENATOR BERMAN:

Now I understand why the bill is here. Okay? That doesn't convince me as to why I should vote for it, however. What I -- what I'm saying: I am told that the -- that the test that you are allowing the Department to waive involves a lot more than just English proficiency. And I guess my -- my concern is still that, with this, I'm not sure what we're allowing the Department to waive. I want the highest-quality nurses servicing me and servicing my constituents. I'm -- I haven't been convinced. I'm sorry.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Pardon me, Mr. President. Upon a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR DEMUZIO:

I have, in the gallery behind me, the St. John's, Carrollton's, seventh- and eighth-grade class and one of their former students, Carmel Rawe, was standing behind me. But I'd

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

like to have the -- our guests stand and be recognized by the Senate.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests please rise and be recognized. Welcome to Springfield. Any further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator O'Daniel.

SENATOR O'DANIEL:

Senator Donahue, now Canada only requires two years of training for their nurses. I had that experience down there at Effingham. There was a -- a young lady that came from Canada and they only require two years. We require four years here. You know, in all fairness to our nurses don't you think that -- I mean, our RNs and all, that -- that this puts them at a big disadvantage if -- if they can come from Canada and some other countries with only one or two years of schooling and -- you know, to -- to let them be a registered nurse here in this -- this -- this country?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. This has nothing -- absolutely nothing, to do with their training, their credentials, their -- their -- any -- that is all the same as it is today. All we are saying is that you don't -- they can waive the English proficiency test. That's the only part. Nothing else. The two years, the four years, all that stuff is the way the law is today. I'm not addressing that in this legislation at all. And I wouldn't even want to. All I'm trying to deal with is the English-speaking people who are coming to this country and have an opportunity,

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

they ought to have that opportunity.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. According to our analysis it says this amendment allows the Department of Professional Regulation to waive any English proficiency examination under the Nurse's Practice Act by rule. As an Anglo-Saxon Wasp let me tell you that means anybody that belongs to the Commonwealth is English speaking. It's very simple.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR DONAHUE:

Well, thank you, Mr. President. I would just simply say it has nothing to do with credentials, training, background. They could be English-speaking and fail those tests and they're not going to get a license. If they're the best nurse in the world and they can't pass an English proficiency test, they're not going to get a license. All we're simply saying is if you're qualified and you speak English, you don't have to take the test. This is a simply bill, folks, and I would ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 611 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, 4 Nays and 2 voting Present, and Senate Bill 611, having received the required constitutional majority, is declared passed. Senate Bill 618. Senator Raica. Mr. Secretary, read the bill. Senator Raica, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Raica seeks leave of the Body to return Senate Bill 618 to the Order of 2nd Reading for the purpose of an

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 618. Mr. Secretary, are there any Floor amendments that have been approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Raica.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. Amendment No. 2 makes several changes in the bill at the request of medical providers throughout this State. The amendment clarifies EMT suspension policies at the request of the Firefighters' Union. The amendment also does other things that -- at the request of various providers throughout this State. It was an agreed-to, and I'd just ask for its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I want to commend Senator Raica for working hard to try to please the committee and all of us with this particular piece of legislation, and I ask for their support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

Amendment No. 3, offered by Senator Raica.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. First of all, I'd like to thank

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Senator Smith for her very kind remarks. She also made this possible, working very hard with -- with both sides and all the people involved. Senate Amendment 3 is technical -- and it corrects some typos. And I move for its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of Senate Bills 3rd Reading. Senate Bill 618. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 618.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. Just to conserve time. Senate Bill 618 is a rewrite of the EMS Act. It has, with these two amendments, agreed-to language that was agreed to by everyone that was present at the meetings. This is probably not in its final form, Mr. President and Members. It will probably be amended in the House to appease some more agencies, and I would just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 618 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

On that question, there are 56 Ayes, no Nays, none voting Present, and Senate Bill 618, having received the required constitutional majority, is declared passed. The Chair is -- the Chair is now being yielded to Senator Hasara for the purposes of introducing special guests.

SENATOR HASARA:

Thank you, Mr. President. At the Podium with me this afternoon are Senators Kathy Parker and Kirk Dillard, and it is our pleasure to introduce the British Consul General, Robert Chase, and he would like to address the Senate. It is our privilege to introduce Consul General Chase.

CONSUL GENERAL ROBERT CHASE:

(Remarks by Consul General Robert Chase)

SENATOR HASARA:

Thank you very much. The Consul General has said he will be on the Floor if anyone wishes to meet with him down on the Floor, and also for a photo op if you wish. Thank you very much. It's our honor to have you here today. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip, for what purpose do you rise?

SENATOR PHILIP:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR PHILIP:

Just to remind the Membership we have forty-three bills. We're moving at the rate of glue. And at the rate we're going today, I would suggest you may call your motel, because we may be here tomorrow. Now, we just heard a bill being debated for twenty minutes and it got fifty-four -- fifty-four votes. So let's just settle down a little bit. Let's do our work. Let's get out of here so that we can go and cheer on the Bulls.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator -- Senator Severns, for what purpose do you rise?

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. It is my honor to have joining us in the gallery today students from St. Patrick's School in Decatur, and I'd like the Senate to join in welcoming them here.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests please rise and be recognized. Welcome to Springfield. On the Order of Senate Bills 3rd Reading. Senate Bill 620. Senator Butler. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 620.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. Senate Bill 620 amends the Unemployment Insurance Act so that privately employed school bus drivers shall be ineligible for benefits during vacation periods during the school year or between terms, if - and I emphasize if - there is a reasonable assurance they will be rehired. This places them on the same basis as -- as our teachers and also with bus drivers employed in a -- in a public school. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 620 pass. Those in favor will vote Aye. Opposed will vote Nay and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 27 Nays, none voting Present,



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

and Senate Bill 620, having received the required constitutional majority is declared passed. Senate Bill 630. Senator Rauschenberger. Out of the record. Senate Bill 636. Senator Parker. Senator Parker. Out of the record. Senator Parker, do you wish this bill returned to the 2nd Reading for -- out of the record. Senate Bill 662. Senator Cronin, do you wish this bill returned to the -- 2nd Reading for purposes of an amendment? Senator Cronin seeks leave of the Body to return Senate Bill 662 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 2nd -- is Senate Bill 662. Mr. Secretary, are there any Floor amendments that have been approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Cronin.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin. Senator Cronin. Senator Cronin, in Senator Syverson's desk.

SENATOR CRONIN:

Thank you very much. Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Floor Amendment No. 2 to Senate Bill 662 is a compromise. It was in response to certain objections that were raised about this bill and about this policy. Much of it is in response to Senator Jacobs' thoughts on the matter. What we are doing with this amendment is to suggest as follows: We are -- the underlying bill attempts to repeal language regarding -- regarding Medicaid payment for abortions and replaces it with language that says that -- prohibits Medicaid-funded abortions except to preserve the life of the mother and in cases of rape and incest consistent with federal rulings. The philosophy is that we recognize, and I recognize as the sponsor, that the law provides today that abortion is legal, and we understand that the law has recognized a privacy right in

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

our country and in the State of Illinois. But we also recognize that this doesn't mean that those who wish to exercise that legal right are entitled to taxpayers' money. So therefore, we ask that -- your favorable consideration of this amendment and this bill. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Cullerton.

SENATOR CULLERTON:

Senator, what is the position of the Department of -- on this bill, and is it changed at all as a result of this amendment?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin, in Syverson's seat.

SENATOR CRONIN:

Hello. Department of Public Aid is neutral and has been since the -- the beginning of this debate.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. Just basically to the merits. I mean, we -- we've talked about this and we're talking about notification and so on. It just seems to me that for some, and especially us, as men, it's real easy for us to say this is a simple bill. This is not a simple bill. What you're asking women to do is if they've been raped, be it an incestuous case or whatever, to go to police authorities to discuss with these individuals who have not been trained of how to address rape -- rape instances, to -- to actually now say it's okay or at least get their permission before I go get an abortion. This is not a

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

simple issue. One who has worked in hospitals and have seen the trauma of -- of rapes know that it is not easy to talk to anyone at any particular time, especially for those who are untrained and unskilled of how to handle certain instances. What this does is -- when we talk about that we should not be using taxpayer dollars, the individuals and some of these that are going for -- to get these dollars from AFDC have also been taxpayers. These are their dollars as well. It has been proven, actually through federal Statute and also the Constitution, that to deny these women just because they are women the right to use these dollars, one, it's discriminatory - discriminatory based on the fact that when you start talking about gender-based funding and dollars that can be used for gender-based purposes, that the preponderance of -- of scrutiny is -- is on the courts. So we're fighting a losing battle here. This has already gone before the courts. It has gone here in the State -- State Supreme Court. We're talking about spending millions of dollars to fight this in the courts, when we're only talking just maybe a hundred -- not even a hundred thousand dollars for individuals who use these services. So once again, we are putting some of our own egocentric ideas into law, and I don't think this is what we should be doing. We should be concerned about the rights of all the people of this State, be they -- be they poor, be they women and so on down the line. And I believe this is a bad issue, and we should be looking at it and voting No on this and just leave well enough alone.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The Chair would remind the Members that we are on the Amendment No. -- Floor Amendment No. 2 to the bill. If you wish to debate the amendment, do so now; otherwise, the Chair would suggest you save your comments for the final reading, 3rd Reading. Any further discussion? Senator Hendon.

SENATOR HENDON:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Thank you, Mr. President. The amendment becomes the bill, if I'm reading this correctly, so I did want to -- I will hold my comments to the amendment, but it does become the bill. Will the sponsor yield for a question? And I'll be brief.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield, Senator Hendon.

SENATOR HENDON:

I know everybody wants to go home, but this is -- as Senator Trotter said, this is very important, and I don't think that we should have the right to just fluff it to the side because we want to go home. I want to go home, too. I got a three-month-old baby I'd like to see, but this is important and I'm going to say what I have to say. So groan if you must. Senator...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon, the Chair just -- was just stating that if you wish to debate the bill, you will have an opportunity on 3rd Reading.

SENATOR HENDON:

Oh. Right.

PRESIDING OFFICER: (SENATOR DUDYCZ)

What we're trying to do now is debate the amendment.

SENATOR HENDON:

Right. Well, that was most certainly not directed at the Chair. The Chair did not -- did not groan, but there were people on both sides of the aisle who -- I think that's rather distasteful. But anyway, I understand that this may be ruled unconstitutional, and if it is, will we lose federal funding?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

The whole purpose of the amendment was to ensure that that doesn't happen. The amendment tracks federal guidelines, and we

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

believe that -- that this is constitutional, and that if there is a challenge, it will be heard before the State court, and we will not lose federal dollars. And I think that's evidenced by the fact that the Department of Public Aid is neutral on the matter.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

One final thing: On the -- I have a problem with the fact that the incident of rape or incest must be reported prior to the abortion. Do you have any study that you could cite or any information that -- that would let us know that -- that all women who are raped or victims of incest would go immediately to law enforcement? Because it is my personal experience of incidents that I know of personally where sometimes a woman will not go to law enforcement right away, especially in the case of incest, because they're still living in that home. They're still in that situation, so they may not be in a position to go to law enforcement. So, do you have any data that can back up anything that would let us know or make us feel more comfortable that the majority of women or a high percentage of women would report incest right away?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

You point out a pragmatic issue, in dealing with establishing policy. We're policy makers, and we have decided -- or at least the intent of this bill, which you may or may not support and that's your -- that's your privilege as a Senator, but essentially says that we recognize there's a right. But we also are proposing that taxpayers aren't charged with the responsibility to pay for those who want to exercise that right, and we are compromising in suggesting that those who are the victims of rape and incest -

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

horrible crimes - they ought to still -- that they may be permitted to exercise their right and have an abortion paid for by taxpayers. As a practical problem, the only way you can determine whether or not there really was, in fact, an incident of rape or incest is if it has been reported to some authority. Best way we can do it is to see -- is to suggest that those incidences that are reported as a crime, therefore, would make them eligible to receive taxpayer dollars.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Palmer. Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I know that we're going to debate this on 3rd or not, as the case may be, but I want to speak to the amendment as it's before me now. As I understand this -- and I -- I -- it is so appalling. I -- I keep reading my analysis to see if I am mistaken. That what this does is -- because there is a philosophy in this country that wants to curtail abortions, that what this bill -- this amendment does, under that philosophy, is to say to a group of women who are -- have the misfortune to be under federal -- using federal and State funds to live, that the only way that they are going to be allowed to make a choice is if their lives are in danger, or if they have been raped, or incest has been committed upon their person and that even in these cases, they must now go and sit down in a police station somewhere and report these before they are eligible to apply for what is legal: an abortion. Now, let me also point out to you that far from what the sponsor is saying, the Hyde Amendment does not require that -- it does not go this far and does not require that women must report the circumstances of rape and incest to the police. In fact, there has been a federal court ruling in 1994, in Pennsylvania, that specifically says that that is not the case and that they have violated the Hyde Amendment. So, we are about to

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

go farther, and therefore, as someone else asked the question, risk losing the federal monies. So I would suggest that we vote No on this, and I just wish that this would stop coming up over and over again, and we would let the issue be.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the order of Senate Bill 662, on the Order of 3rd Reading, Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 662.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. With all due respect to my colleague who wishes this issue wouldn't keep coming up, you know, there -- there is a rather compelling philosophy and a belief among the majority of Americans that accept the fact that a court of law has ruled that abortion is legal, but they don't accept the fact that anyone who wishes to exercise that right, at any point for any reason in their pregnancy, may tap into taxpayer dollars to do so. I don't know where it is established in our law that recognized rights are also rights that must be funded by taxpayers. Senate Bill 662 restores the long-standing Illinois prohibition on taxpayer funding for abortion, which was struck down in December by a Cook County

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

circuit court. As amended, this bill adds payment for abortions resulting from criminal sexual assault and aggravated criminal sexual assault. These additional exceptions are necessary to comply with the federal court ruling. As amended, Senate Bill 662 assures that Illinois will lose no federal funds for its Medicaid program; however, Senate Bill 662 very carefully circumscribes the expanded public funding of abortions by adding funding for abortions resulting from rape and incest to the extent that payment for such abortions is required by federal law, as determined by a court of competent jurisdiction. This language will make sure that abortion on demand is not the new policy in Illinois and allow reconsideration of these exceptions should the federal law change. Prior to the Illinois ban on Medicaid-funded abortions, 1977-78, twelve thousand seven hundred and thirty-eight abortions were paid for, according to Public Aid records. Since that time, out of around fifty-six thousand abortions annually, Illinois has paid for about thirty-three a year. The court ruling in December will add millions of dollars to the taxpayers' burden if it is allowed to stand. If for no other reason, financial considerations should be taken into account, but most importantly, this proposal will again compel a clear majority of Illinoisans to pay for abortions against their consciences and fundamental beliefs. That's what this bill attempts to retract. Polls and research have demonstrated without a doubt that the majority of Americans oppose their use of their dollars to fund abortions. Please support me in Senate Bill 662.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

State your point.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, in the Democrat Gallery are my good friends, seniors from Libertyville with Bill Madole and Dean Larson, trustees, and welcome to our Senate.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our -- will our guests please rise and be recognized? Welcome to Springfield. Any discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hendon.

SENATOR HENDON:

And before I ask my question, I just want to be on record as being clear. I'm sure most of you are clear on my voting record that -- that I believe in a woman's right to choice, but I -- my religious beliefs make it personal in my family that we don't support abortion. However, that being said, I am offended by the fact that I keep hearing the -- the statement about taxpayers' dollars being spent. And I want to just ask the sponsor: Do poor people pay taxes?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Cronin.

SENATOR CRONIN:

I don't know how you define poor people.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

Well, Senator, if you don't know how to define poor people, you know, the Senate is most certainly in trouble. Let me tell you: Poor people pay taxes just like everybody else. When you

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

shop in -- in the community, you pay that sales tax. That's paying taxes. So when you say "using taxpayers' dollars," we're all -- we all pay taxes. Poor women pay taxes, who maybe end up a victim of rape or incest, just like anybody else. My problem with your bill is in that area. I had a friend, Ladies and Gentlemen of this Senate, who was raped, and for two months - two months - not a single male could come into her hospital room, not even her brothers. She was so traumatized. For two months, she couldn't even face a male doctor, couldn't even come into her room. Personal experience. You see, sometimes we pass bills and we're living in -- in some -- some other world, but down here on the ground where the average Illinoisan lives, there's some real-world realities. Often, my friend -- and I appreciate and understand what you're trying to do, but often in cases of rape and incest, the woman is not going to readily come forward, especially in the case of incest. Especially in the case of incest. Because that's the father or the brother or the uncle or -- a family member involved. So, that person may want to go out and seek the abortion without turning in dear, old dad, for whatever reason - 'cause it'll break mom's heart or wreck the family or whatever. And they -- they take that hurt and they -- and they bury that hurt, and all they want to do is not have to answer to everybody, "Who's the father of the baby?" Because the answer would be, "My father is the father of the baby." Your bill would not allow that to happen. If she didn't come forward right away, well, she's out of luck if she happens to be poor. And I want to let you know there are more working poor in America and in Illinois than there are rich and well-off people. So your bill is -- is class discrimination, in my opinion. Though I understand what you are attempting to do, it does more harm than good, and you're going to put a lot of poor women at risk and you're letting a lot of no-good, low-down you-know-whats, who are raping these women and

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

-- and having sex with their own daughters, you're letting them off the hook. That's what you're doing, Senator Cronin, and I urge all of my colleagues to vote No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Does your bill, as amended, provide that there can be abortions in the event of incest and rape...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator...

SENATOR GEO-KARIS:

...and to save the life of the mother?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I've been quite consistent in my voting in this Assembly. I have never encouraged anyone to get an abortion, but there are instances when rape and incest and the health of the mother should dominate. And, therefore, since those provisions are in the bill as amended, I rise to speak in favor of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any -- any further discussion? Senator Cullerton.

SENATOR CULLERTON:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Yes. Thank you, Mr. President, Members of the Senate. Just very briefly. Senator Cronin, I believe that the bill is still unconstitutional. Not that that's stopped us in the past, but I just thought I'd make the -- the point. The -- Pennsylvania had a similar Statute that had this reporting requirement, and it was struck down. I don't see any difference in this particular bill, and I think that you know that, and I think that this is an effort to have another court case and have another court test to see if -- you know, we can go to the Supreme Court, in which case we once again have to spend a lot of money. And so if the -- if the bill was to pass, that's what the ultimate goal would be. The ultimate result will be that it will be overturned and we once again have -- for the seventeen years I've been here, we've been doing this and I don't know why we continue to do it. And for that reason, I urge a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. Chairman, Ladies and Gentlemen of the Senate. Senator, as you're very much aware, I did put an -- attempt to put an amendment on. I withdrew it at your discretion. You said you were going to do something similar for rape and incest. You kept your word on that; it is something similar, but yet, at the same time, it's altogether different. For those of us who have paid any attention at all and have talked to women in this day and age, shall I say, after O. J. Simpson and after watching that court trial and watching the mockery that was made of witnesses and everyone else concerned, at least in the judgment of most of the women I talked to, most of the women I talked to now say if they are raped, they would not report it. They would not report it. And I can understand that, and I think anyone who's watching that trial can understand that also. So I think whenever you added the

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

words that only if the crime is reported to a law enforcement agency, completely changes the intent of rape and incest. I think that changes it dramatically, because I am just afraid that there are so many people today -- and forget rape even, for a minute. Let's talk again about the other side of it with incest. You're going to have to file a charge against your father, as a young woman, or a father -- a stepfather or whatever the case may be. You're going to go file that charge. I'm sure they'd all love to, but I think in this day and age, they'll be scared to hell to do so. And I ask for a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Clayborne.

SENATOR CLAYBORNE:

Senator Cronin, the question that I -- that -- things that concern me are regarding the Medicaid that will be jeopardized by millions of people in the State of Illinois. Obviously, we're putting other individuals in a position where they will not receive benefits. At the same time, we are in a position where hospitals will close down because of the failure or lack of concern of those who -- who'll not continue to fund the Medicaid, as well as the -- the add-ons. My question directed to you is: What does the millions of Illinoisans who are going to lose Medicaid, what do they do as a result of this bill being drafted? Apparently similar to a Pennsylvania law -- or bill, what happens when this is declared unconstitutional and the federal government does not provide Medicaid benefits to 1.4 million people in this great State?

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Well, with all due respect, Senator, I'm not -- I'm not sure if I follow you, but if your concern is about the -- the Medicaid budget and whether or not there's full funding, I would respectfully suggest to you that you should be supporting this bill. Because if the policy of the State of Illinois is that taxpayers are obligated to pay for any and all abortions on demand for whatever reason, it would be a very difficult financial strain.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you. My question is directed along the lines of this being unconstitutional, and what happens when the federal government does not provide funds because of the federal mandate. What -- what will the other Illinoisans do because we are not able to provide for those 1.4 million people that are in jeopardy - that are in jeopardy - of losing these benefits?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Well, I don't agree with the premise of your question. We debate what is and what is not constitutional in this Chamber very often. It's -- it's the judiciary that decides. We believe that this bill is very narrowly drafted. It tracks federal law and guidelines. We believe that the State Supreme Court will ultimately decide this question, but we also are confident that this does not jeopardize funding of Medicaid for all those others who are dependent.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Senator Clayborne.

SENATOR CLAYBORNE:

So, if -- if I take it by your last statement, Senator Cronin, you are anticipating litigation and you're anticipating that this is the mechanism by which you will get before the State Supreme Court.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Parker.

SENATOR PARKER:

Thank you, Mr. Chairman. I just wanted to echo the words that Senator Jacobs said. I do agree. I think this is too cumbersome for women. You have to remember when you're voting on this, that this is not -- this goes beyond the Hyde Amendment, and that it can be declared unconstitutional and that the crime would have to be reported to a law enforcement agency before the abortion is permitted. I think you have to think very carefully when you're thinking about voting on this bill, and I would urge you to vote No and echo the words that Senator Jacobs said.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR CRONIN:

Thank you very much. This undoubtedly is a difficult issue. It's an emotional issue. It's a matter of conscience for many of us here. I'm not going to take a long time in closing, but I would like an opportunity to respond to one of the Senators who suggested that this amendment is somehow or other different from -- from -- from their amendment. I'm looking at a copy of -- of

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Senate Amendment No. 1, and it specifically says that -- that this proposal or this policy may go forward only if the Illinois Department ensures that the proper law enforcement authorities are notified of an alleged rape and incest. I mean, the -- the language that was objected to in Amendment 2 is the very same language that was used in Amendment 1, sponsored by my esteemed colleague from the other side of the aisle. This is a difficult issue, but for those who believe it's a matter of conscience, for those who believe that there's a human life at stake, we reluctantly accept the state of the law, but we -- we most fervently oppose the fact that the taxpayers are asked to pay for this. And -- and we think that that's -- that's just fair and just. And I understand all the other complicated issues of poor people and health care, and I'm not insensitive to that, but there's a -- there's a more important issue at stake here. And I respectfully ask the majority of the Members of this Chamber to recognize that issue and support this bill. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 662 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 24 Nays and 1 voting Present. And Senate Bill 662, having received the required constitutional majority, is declared passed. Senator Hendon, for what purpose do you rise?

SENATOR HENDON:

Reluctantly, I rise for a verification of the roll.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

The following voted in the affirmative: Burzynski, Butler, Cronin, Demuzio, Dillard, Donahue, Dudycz, Thomas Dunn, Fawell, Fitzgerald, Geo-Karis, Hasara, Hawkinson, Karpiel, Lauzen, Madigan, Mahar, Maitland, O'Daniel, O'Malley, Peterson, Petka, Raica, Rauschenberger, Rea, Sieben, Syverson, Walsh, Watson, Weaver, and Mr. President.

PRESIDING OFFICER: (SENATOR DUDY CZ)

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

SENATOR HENDON:

No, I don't.

PRESIDING OFFICER: (SENATOR DUDY CZ)

Okay. Having received the required constitutional majority, on a verified roll call vote, the Ayes are 31, the Nays 24, Present 1. And the bill is declared passed. Committee Report.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the Committee has approved for consideration, Senate Amendment 1 to Senate Bill 711.

PRESIDING OFFICER: (SENATOR DUDY CZ)

Senate Bill 674. Senator Karpiel. Out of the record. Senate Bill 682. Senator Maitland. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 682.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDY CZ)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 682 was a bill that we debated on the amendment stage yesterday at length. It does -- it does -- allow the Illinois

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Community College Board with certain emergency powers only if two of the following incidents occur: Number one, that a community college district fails to meet the ICCB recognition standards. That's the first criteria. And the second one is if the district's auditor, or the ICCB in cooperation with the district's auditor, in accordance with a wide range of -- of accepted accounting standards, finds misuse of funds or material differences -- deficiencies or other things, it is an emergency situation. I believe that the details and concerns have been worked out, and I would seek the support of the Body.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 682 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, 1 Nay, none voting Present, and Senate Bill 682, having received the required constitutional majority, is declared passed. Senate Bill 711. Senator Dillard. Mr. Secretary, read the -- read the bill. Senator -- Senator Dillard, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Dillard seeks leave of the Body to return Senate Bill 711 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 711. Mr. Secretary, are there any Floor amendments that have been approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

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

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

This is a technical amendment that just clarifies for the endowment funds for downstate forest preserve districts as talked about in the bill, that we are not talking about federal, State or local government monies. In fact, we're not talking about any government monies at all, and it requires and clarifies that these funds shall be audited. It's just a technical amendment suggested by the Local Government Committee and its chairman.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of Senate Bills 3rd Reading. Senate Bill 711. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 711.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 711 amends the Downstate Forest Preserve District Act to allow for the creation of an endowment fund. The fund will be used for specific purposes and no tax money will be collected by any forest preserve districts to finance this fund. The fund will be used to hold on to special monies received or generated by districts, they're private monies, and more and more we are privatizing certain forest preserve services, and this allows them to hold funds over different fiscal years. The money will be

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

audited, as the previous amendment stated, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 711 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, 2 Nays, none voting Present. And Senate Bill 711, having received the required constitutional majority, is declared passed. We are now on the bottom of page 5 approaching the top of page 6. Senate Bills on the Order of 3rd Reading. We have thirty-six bills left in that Order of Business. The Members would be advised to keep your rhetoric down, because we are fast approaching a point of no return where you will be strongly urged to reserve hotel rooms.

PRESIDING OFFICER: (SENATOR MAITLAND)

Top of page 5. Senate Bill 728. Senator Woodyard. Senator Woodyard on the Floor? Senate Bill 768. Senator Petka. Senator Petka, do you wish this bill returned to the Order of 2nd Reading for purpose of amendment? Senator Petka seeks leave of the Body to return Senate Bill 768 to the Order of 2nd Reading for the -- the amendment is not ready. Senate Bill 787. Senator Severns. Senator Severns on the Floor? Senator Severns on the Floor? Senator Severns. Senate Bill 787. Senate Bill 793. Senator Butler. Senator 813. Senator Hawkinson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 813.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hawkinson.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

SENATOR HAWKINSON:

Thank you, Mr. President. Senate Bill 813, as amended, creates the Copyright Royalty Collection Act. This bill was heard several times in committee. It was a controversial bill. I believe that the amendments adopted in committee removed the most objectional part of the bill, which was the requirement that those holders and licensers of copyrights file a list of all the songs with the Cook County Recorder of Deeds. That is out of the bill. This does not, in any way, interfere with the collection or the right to the collection of any royalties, but it does establish a system of some requirements for contracts whereby particularly small restaurateurs can know what their rights and responsibilities are in regard to the payment of royalties for copyrighted music. It's an initiative of the Restaurant Association, supported by Retail Merchants and National Federation of Independent Business, Chamber of Commerce and others. I would be happy to try and answer any questions, otherwise ask for the passage of Senate Bill 813, as amended.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Tom Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I want to join with Senator Hawkinson, and even though I realize I have immunity on the Floor by anything I say, I'm going to contain myself as a former restaurant owner in describing the people that come in from ASCAP and some of these other companies that attempt to harass owners of restaurants and bars. This is an excellent bill for the owners of restaurant and bars. I urge its passage.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? The question is, shall Senate Bill 813 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, 1 Nay, no Members voting Present. Senate Bill 813, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, a Supplemental Calendar has been distributed. On the Calendar is -- on the Order of Secretary's Desk, Concurrence is Senate Bill 923. Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 3 to Senate Bill 923.

Filed by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

House Amendment No. 3 to Senate Bill 923 adds our two supplemental bills that we passed out of this Chamber several weeks ago together into one bill, and in addition, increases the Office of the Comptroller's budget by five hundred thousand dollars to begin a computerization initiative to --- to introduce a financial management system to the Comptroller's Office. It's precisely as it was drafted and written and reported on when we voted on it four weeks ago. I would recommend favorable consideration, and be happy to try to answer questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. This -- this bill, as you recall, was the bill that -- that many of us did not support a few weeks ago when it was debated in the Senate, and while I -- I understand some of the changes that have been made to it, I think it still is a bill that we should not move forward. At a time -- at the very week that we are supposed to be meeting a

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

deadline to vote appropriation bills out of the Senate for -- for FY'96, here we are talking about a hundred-and-twenty-million-dollar GRF request in the supplemental appropriation. While some of the items have merit, there are many items that are questionable, especially at a time when we have a structural deficit approaching two billion dollars. From the -- all the State pay raises that are in the -- in the fund to the -- the unanswered questions in dispute between the Governor's Office and DCFS and -- and some in this Chamber on what the -- the Governor's request or reduced request on DCFS will mean, I -- I just think there's a lot of unanswered questions at this time, and while we're proceeding with FY'96, it seems foolhardy to proceed with this supplemental. I would urge a No vote on this side.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Rauschenberger, you wish to close?

SENATOR RAUSCHENBERGER:

I -- I would just remind Members that this is a combination of two supplementals; one of which passed out on partisan lines; the other other one which added forty million dollars to the Department of Children and Family Services, which they have stated emphatically over and over again that they need; as well as pays down sixty-five million dollars in old bills -- I'm sorry, sixty-three million dollars in old bills for the Department of Public Aid. I think it's an important bill that we vote together on, and I would urge a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Ladies and Gentlemen, this is final action. The question is, shall the Senate concur in House Amendment No. 3 to Senate Bill 923. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

On that question, there are 33 Ayes, 8 Nays, 17 Members voting Present. Senate Bill 923, having -- the Senate does concur in House Amendment 3 to Senate Bill 923, and the bill, having received the required constitutional majority, is declared passed. All right. Ladies and Gentlemen, on the top of page 6 of your Calendar. Senate Bill 823. Senator Mahar. Senate Bill 824. Senator Mahar. Senate Bill 850. Senator Dudycz. Senator Dudycz, on Senate Bill 850. Read the bill, Madam Secretary.

SENATOR DUDYCZ:

Mr. President, I would move to table Senate Bill 850 at this time.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz moves to table Senate Bill 850. All those in favor, Aye. Those opposed, Nay. The Ayes have it, and the motion is adopted. Senate Bill 882. Senator Severns.

ACTING SECRETARY HAWKER:

Senate Bill 882.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. On Senate Bill 882, 883 and 884 we have filed motions to request that we extend the deadlines to May 26th. I would hope that we could do that, seeing that the budget is still be heavily debated, before we come to any resolution.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger, for what purpose do you arise?

SENATOR RAUSCHENBERGER:

I would just like to rise in opposition to that motion. Since we've roll called our vehicle bills and the other side of the aisle has seen fit to vote on those, I think we have the right to



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

-- if they want to move on that bill, that's fine.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Severns, you -- we will allow you to run the bill on 3rd Reading. We are not on the Order of Motions at this time. We will allow you -- I called Senate Bill 882. If you wish to run the bill, if you want to call the bill for a vote, we're prepared to do that. We're not on the Order of Motions at this time. So frankly, the Secretary has told me we don't even have the motion of record. The motion has not been read into the record. So you -- you don't wish to call the bill? (8)83, either? (8)84? Senate Bill 897. Senator Tom Dunn. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 897.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Tom Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This bill came out of Judiciary on an attendance roll call, and does in fact, provide that when an adult or juvenile gets condition -- as a condition of his sentence, that intermediate sanctions may be given to that individual by the probation department. This is at the request of the probation officers, and I know of no opposition to this.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 897 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 897, having received the

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

required constitutional majority, is declared passed. Senate Bill 925. Senator Philip. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 925.

(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 the budget for the Office of the Governor. It's exactly the same as it was last year: seven million five hundred and ninety-three thousand dollars. Zero growth. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. All of us know that -- that we're working to try to resolve some of the budget issues. What we don't know in this bill, or -- or the ones that follow, is at what level ultimately we're going to talk -- talk about for the rest of the budget, at what level those increases are going to be. I think it seems premature to be passing them out for constitutional officers with increases in those budgets when we don't even have the real budget for the rest of the agencies being addressed in this Chamber. So I would -- I would suggest that we not move this out.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Senator Philip, you wish to close?

SENATOR PHILIP:

Remind you, there are no increases whatsoever, and ask for

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

your favorable consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 925 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 34 Ayes, 11 Nays, 10 Members voting Present. Senate Bill 925, having received the required constitutional majority, is declared passed. Senate Bill 926. Senator Butler. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 926.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. Ladies and Gentlemen, Senate Bill 926 is the annual budget of the Office of the Lieutenant Governor. The budget this year is a decrease - a decrease - of four million one hundred and fifteen thousand one hundred dollars, or a 60.3 percent reduction from the '95 level. The GRF funds do not change from last year, but the Lieutenant Governor is transferring his community services grant to DCCA in Fiscal '96. The total budget now is two million seven hundred and eight thousand six hundred dollars, and I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 926 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 34 Ayes, 8 Nays, 16 Members voting Present. Senate Bill 926, having received the

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

required constitutional majority, is declared passed. Senate Bill 942. Senator Sieben. Senate Bill 951. Senator Klemm. Senate Bill 1007. Senator O'Malley. Senator O'Malley, on 1007? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1007.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Senate Bill 1007 repeals the Chicago School Nominating Commission and provides for the direct mayoral appointment of Chicago School Board members. The bill provides that any future vacancies on the Chicago School Board will be filled by mayoral appointment with the approval of the City Council. I'd be pleased to answer any questions there may be.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Hendon.

SENATOR HENDON:

Senator O'Malley, what was the motivation behind this bill, and who did this bill come from? Did it come from the Mayor of the City of Chicago, or -- or who? Where?

END OF TAPE

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

TAPE 4

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Senator Hendon, I -- this is my initiative. This has been explained. This is very similar to the legislation that passed in the 88th General Assembly that I sponsored. This has been my initiative.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

Well, Senator O'Malley, have you talked to members of the Nominating Commission, current members of the Nomination Commission, about their feelings about being eliminated?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Hendon, the only difference between this bill and the bill that happened previously was that the -- the number has now shrunk to whatever the remaining members will be, I believe on May 15th. It's now seven members, under this legislation.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

Okay. Well, in conclusion, I support a smaller Board, and as you know, I've supported you on your other education initiatives. I just believe in an elected school board for the City of Chicago, not an appointed school board. I -- I am not going to vote for anything that puts more power in the hands of any mayor - and it's not personal against Mayor Daley, but any mayor of the City of

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Chicago - and I'd -- I'd have to vote No on this. I appreciate what you're attempting to do, and hopefully we can work things out in -- in your other bill and end up with elected school board in Chicago. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Palmer.

SENATOR PALMER:

Senator O'Malley, I want to get back to the question that Senator Hendon raised. Are you aware that we already have a fairly democratic process in Chicago called the Nominating Commission? It is made up of parents, of community members and so forth, and the Mayor has appointive power to that Commission. Now, this Commission has been operating for some time. The end result is to present the Mayor with a list of people who have been reviewed and talked with and who have committed to serving on the Board. Like Senator Hendon, I, too, would like to see some reforms to that, but I certainly don't want to throw away what is a very democratic process. And...(microphone cutoff)...remarks -- your comments on that.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Senator Palmer. The impetus behind this bill is to deal not only with the accountability of making -- making it clear who's responsible for the actions of the Board of Education in terms of being accountable to the electorate, but it's also to make sure that -- that boards are fully appointed and -- and appointed on a regular basis. And the fact that come May 15th, I

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

believe there will be up to eight vacancies, I think, is additional proof of how a -- a system that was designed and well-intentioned, as you have spoken about it, has in practice been implemented so that it doesn't work correctly. So those are my comments about it, and I hope -- I'm doing my best to be responsive to your points. I do believe that you're very well-intentioned in -- in your inquiry, and I appreciate your -- your input.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I -- I think that the interesting part -- point about this bill is that it's probably premature. Both the Governor in his press release, I think it was last week, and the Mayor in his remarks to the Civil Federation - the Mayor of the City of Chicago - both addressed this issue as one of a long list of concerns regarding the Chicago public school system. Again, I would suggest to you that, (a) we're premature; (b) this is only one small part of a very complex issue; and (3) at this point, just voting for this is micromanaging only one small part of a very complex question. So, I'm going to vote No at this point. I hope that we will see a much broader approach to all of the questions and problems of the Chicago Board of Education as we move along.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Dudycz.

SENATOR DUDY CZ:

Thank you, Mr. President. I'm a little amazed at some of my colleagues who would oppose this bill. You know, the Mayor is responsible for the -- for the members of the Chicago School Board. He chooses them from a list that is given to him by the Chicago School Nominating Commission. The problem in Chicago that

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

we have is that I think it's the last three times that the Commission has presented the Mayor with a list, he found people unacceptable and rejected them, and they have to come back to him. Back and forth. They would nominate people they would present it to the mayor; the mayor would reject them, send the list back to the Nominating Commission, and they were at loggerheads. We have some openings right now that are not being filled. I think since the Mayor is carrying the burden of being responsible for the City, of the entire City and is the -- has the responsibility for -- for nominating -- or for choosing these members of the School Board, I think that he should have the option and he should have the freedom to choose the people that he decides is the -- are the most responsible, the most proper people to be placed on the Board. And I think that instead of having such opposition, we should have fifty-nine votes on this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Hendon, for a second time.

SENATOR HENDON:

I apologize for rising a second time, but I want to remind Senator Dudycz and Senator O'Malley that the Mayor did appoint the Interim School Board, and that was a total outright disaster. And this bill is actually blaming the Nominating Commission when perhaps it should be the other way around, where you give all the responsibility to the Nominating Commission and none to the Mayor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator O'Malley, to close.

SENATOR O'MALLEY:

Thank you, Mr. President, and I'll try and be very brief, because I know we're pressed for time today, but I do feel that it's important to respond to the comments about this legislation being premature. This bill has been debated now for a second time



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

in -- in two General Assemblies, and it has been thoroughly considered. We have waited for calling -- and delayed calling this bill in order to have legislation come forward that perhaps could be an appropriate amendment to it. We're finding ourselves here on the last day that we can report these bills from the Senate. So I think it's not premature; it's actually timely, and it is the last time that it really can be called and kept alive from a practical point of view and certainly things can be done in the -- in the House to address many of the good additional comments that have come out recently. So, I appreciate those remarks. As far as the Interim School Board comment, this bill has been crafted to provide that the sitting members who have or should have all the experience to -- to deal with the issues before the Chicago Board of Education, or that come before the Chicago Board of Education, that are already on the Board, working together, this preserves those seven remaining members of the Board to have the opportunity to deal with those very important issues they'll be -- they'll be addressing the next few months. So I'd request the support of -- of my -- my fellow colleagues, and I would hope that Senator Dudycz's call for fifty-nine votes is -- is seriously considered. So, thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 1007 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 40 Ayes, 14 Nays, 4 Members voting Present. Senate Bill 1007, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, on top of page, Senate -- 7, Senate Bill 1015. Senator Philip. Senate Bill 1016. Senator Cronin. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Senate Bill 1016.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This is another effort to help the Mayor of the City of Chicago in resolving the problems that confront the Chicago public schools. This bill seeks to make a change in the Unemployment Insurance Act that would, we believe, help the negotiating process with the Teachers' Union. It seeks to clarify the term "labor dispute". It includes the situation where the collective bargaining agreement between the Chicago School District and its employees has expired and the two parties have not entered into a new agreement. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in opposition to this bill. Again, you're -- you're zeroing in on Chicago. You're zeroing in on Chicago public school teachers. You're -- you're -- you're discriminating against them, as opposed to every other teacher in the State. I urge a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Garcia.

SENATOR BARKHAUSEN:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Garcia.

SENATOR GARCIA:

Senator Cronin, why are you singling out the Chicago Teachers'

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Union?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Because the Chicago public schools have been plagued by problems perennial -- perennially, and we have been asked year after year to help. And we're happy to offer our help, and this is one of the ways that we propose to help.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

Senator Cronin, you're aware that there hasn't been a strike in the Chicago schools for seven years, and you think that the fundamental problem of that school system is not the inadequate funding formula of the State, but rather the fact that teachers have a union there. Is that why you have this bill here?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

This is not just the CTU. This applies to any union, number one. Number two, yes, I'm aware of the fact that there hasn't been a strike, but there has been threatened strikes which have caused delays, which have impaired the ability of four hundred and ten thousand children to get their education. So we're mostly concerned with children and their ability to -- and their opportunity for education, and we believe that -- that a sacrifice by the teachers in promoting education for the children is well worth it. So that's why we're supporting Senate Bill 1016.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

Sounds like a bad idea. I'd urge a No vote.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. To the bill: I just wanted to echo what Senator Garcia said, that we have not had a strike in Chicago for eight years, and if you are suggesting that this applies to all school districts, then perhaps my analysis is wrong because it says it applies to a school educational employees in the school district with a population of five hundred thousand or more. There is only one such city in Illinois, to my knowledge. And if this is meant to be helpful, then I wonder if you're going to be this helpful to the teachers and the school systems in Round Lake, Crete and the other places where there, in fact, have been strikes. So I suggest to you that this is another one of those "let's put a bulls eye around Chicago and shoot at it" bills. This is something, once again, I had hoped we heard some wiser words from your side of the aisle, that it's time to stop trying to micromanage Chicago schools, and I had hoped that this had ceased, but apparently it has not. And I suggest we vote No on it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Cronin, to close.

SENATOR CRONIN:

Thank you very much, Mr. President. Yeah, we don't like to micromanage either, but there's Article 34 that's already part of Illinois law, which has developed over years and years of a Democratically controlled General Assembly. Colleagues on the other side of the aisle are proud to point out that there hasn't been a strike in the last several years. If -- if you can assure me, if you can guarantee me, if you can guarantee the Governor and the Legislative Leaders that there will be no strike this year, then we won't need this bill, but I don't think any of you can

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

guarantee that. So therefore, we need this bill. We want them to come to terms for a contract. We want the kids to get into school on time. I urge your favorable support.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate -- Senate Bill 1016 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 31 Ayes, 24 Nays, 1 Member voting Present. Senate Bill 1016, having received the required constitutional majority, is declared passed. Senate Bill 1018. Senator Watson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1018.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This particular piece of legislation has several provisions, and let me just briefly mention what they are. Repeals the provisions relating to the reserve teachers in Chicago public schools. Gives principals authority to select all staff at their schools based on merit without regard to seniority. Enacts whistle-blower protection for employees and local school council members. It empowers the Inspector General to investigate Chicago School Board and LSC members and makes several other changes, which I'll be glad to discuss, Madam President, if -- if the Body so wishes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 1018 pass. Those in favor will vote

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

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 33 Ayes, 22 Nays, 3 voting Present. Senate Bill 1018, having received the required constitutional majority, is declared passed. Senator Cronin, on Senate Bill 1019? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1019.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Madam President and Ladies and Gentlemen of the Senate. This bill is -- is known as a shell or a vehicle. There's nothing in it right now, but there may be something in it that's very good for you and for me and for the City of Chicago. I ask for your favorable support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 1019 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 18 Nays, 8 voting Present. Senate Bill 1019, having received the required constitutional majority, is declared passed. Senator Maitland, on Senate Bill 1027. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1027.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Senator Maitland, on Senate Bill 1027.

SENATOR MAITLAND:

Thank you very much, Madam President. Senate Bill 1027, as amended, amends the Liquor Control Act to provide that if a person licensed to sell alcohol liquor to a person he or she knows to be under twenty-one years of age and that person causes injury or death while intoxicated on that liquor, the amount recoverable shall be increased from thirty thousand to sixty thousand for injuries, and from forty thousand to eighty thousand for the loss of means of support resulting from injury or death. We amended that bill to take out some of the ambiguous language, and I think there is no opposition, and I would appreciate the support of the Body, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 1027 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 59 Ayes, no Nays, none voting Present. Senate Bill 1027, having received the required constitutional majority, is declared passed. Senator O'Malley, on Senate Bill 1035? A recall. Out of the record. Senator Philip, on Senate Bill 1050. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1050.

(Secretary reads title of bill)

3rd Reading.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Bill 1050 is the appropriation for the Illinois

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

General Assembly. It's 25.3 million. It's up five percent over last year. Would appreciate your favorable support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. Senate Bill 1050 an for that matter the next two are bills that -- that fund the General Assembly expenses and various legislation agencies, and once again I would say that here we are taking care of ourselves when we haven't addressed the major issues facing DCFS, DPA or the Department of Corrections. And it just seems to me to send the wrong signal to -- to move these out when we still have these major agencies among others just sitting here without action. So, I would -- I would urge a No or Present vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Philip, you wish to close?

SENATOR PHILIP:

Ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 1050 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, 15 Nays, 11 Members voting Present. Senate Bill 1050, having received the required constitutional majority, is declared passed. WCIA-Channel 3 requests permission to videotape. Is leave granted? Leave is granted. Senate Bill 1051. Senator Philip. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1051.

(Secretary reads title of bill)



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

3rd Reading.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1051 is the appropriation for in-district office. It's eight million nine-o-nine. It's exactly the same as last year. I'd appreciate your favorable support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? The question is, shall Senate Bill 1051 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 34 Ayes, 10 Nays, 15 Members voting Present. Senate Bill 1051, having received the required constitutional majority, is declared passed. Senator Butler, for what purpose do you rise, sir?

SENATOR BUTLER:

Well in fear of getting a district in Siberia, I want to indicated on the previous bill I would have voted Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

The record will so indicate your intent, Senator Butler. Senate Bill 1052. Senator Philip. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1052.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Philip.

SENATOR PHILIP:

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

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Senate. Senate Bill 1052 is the appropriation for the legislative service commissions. It's twelve million three hundred and seventy-one thousand dollars. It provides a four percent increase over last year. Would appreciate your favorable support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. Once again, just for the same reasoning, I think it's -- I think it's foolhardy to be sending out all of our budgets when we have the major agencies sitting here, and I would hope that we would vote No or Present.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? The question is, shall Senate Bill 1052 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 33 Ayes, 13 Nays, 13 Members voting Present. Senate Bill 1052, having received the required constitutional majority, is declared passed. Senate Bill 1056. Senator DeAngelis. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1056.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 1056 is a transfer from various funds to the Auditor General's Expense Fund. It totals eight million seven hundred and twenty-six thousand dollars. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Is there discussion? Is there discussion? The question is, shall Senate Bill 1056 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 34 Ayes, 11 Nays, 13 Members voting Present. Senate Bill 1056, having received the required constitutional majority, is declared passed. Senate Bill 1057. Senator DeAngelis. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1057.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 1057 is as stated. It's the Auditor General's budget. It's an increase of seventy-eight thousand dollars, or six-tenths of one percent, for a total of thirteen million one hundred and twelve thousand six hundred dollars.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. This budget specifically has requested a five percent increase, and I would think that at a time when we have not addressed DCFS, DPA or Department of Corrections, coupled with the growing deficit that we have, especially with this office, is a bad signal to send, for a five percent increase in this budget. I just think that -- that instead of sending this bill out at this time with the five percent increase, we ought to say, no, we're not going to address this budget until we address the budgets that affect the major

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

constituencies of this State. I would urge a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator DeAngelis, you wish to close? The question is, shall Senate Bill 1057 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, 13 Nays, 13 Members voting Present. Senate Bill 1057, having received the required constitutional majority, is declared passed. Senate Bill 1124. Senator Philip? Senate Bill 1129. Senator Dillard. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1129.

(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 1129 is the Citizen Safety and Self Defense Act of 1995. And what I'd ask you to do today is what I would hope we would do as Members of this Body on every issue that's before us, and that's put aside our preconceived notions. And while we want to take our real-life experiences with us to the Floor of the Senate and in committee, I believe that during the debates on any issue we should listen to all sides of the story and the facts, putting aside all kinds of wild images that are out there and, in the end, vote our conscience as to what's best for the people of Illinois. I want a debate on this bill, hopefully, without emotion. And I want to tell you I had many of those same notions that I think some of us have on this bill when I was asked by a couple of women in Downers Grove, Illinois, on the street during a

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

summer festival, and also a small businessman in my district, to take this bill. I said, "No, I don't want to do that. I don't want to do anything that might jeopardize and put a law enforcement officer's life in jeopardy, and moreover, I don't want to put more guns on the street." And they came back to me a couple of weeks later, and they said, "Have you ever heard of what happened in the State of Florida?" And I said, "No, I've never heard of what happened in the State of Florida." And they presented me with some pretty compelling statistics. I still said no to the sponsorship of this bill. And they came back to me again a week later and said, "We've compiled more statistics from the many states that have this." And I've got to tell you, my eyebrows were raised, but I still said no, that I wanted to talk to law enforcement officials and I didn't think that rank and file law enforcement officials would be for this. And again, when I talked to real police officers, I was again surprised. So, reluctantly, I introduced this legislation a number of months ago, at the request of some constituents, but I have done extensive research and talked to thousands of people throughout the United States on this bill. Let me also say - and -- and it upsets me very much that people characterize this bill as something from the National Rifle Association - I have never received a dime from the National Rifle Association. I don't speak with the National Rifle Association; although, I have, on one or two occasions, asked for some information, since I sponsored this bill, from them. The National Rifle Association worked against me in my primary election last March, and as all of you know, in my area of the State, in DuPage County, winning the Republican primary is tantamount for basically winning the seat to the General Assembly. In my past life as Governor Edgar's chief of staff, I proudly worked with Mike Lawrence, his press secretary, and State Police Director Terry Gainer to craft the Illinois Instant Check Program,

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

which is somewhat equivalent to the Brady Law, which has taken thousands of guns, or kept thousands of guns, out of the hands of the criminally -- criminals in the State of Illinois, as well as those who are mentally infirm. Two weeks ago, I voted for trigger locks in homes where there are children under the age of fourteen. Last year and again this year I sponsored legislation to call for statewide grand juries for illegal gun trafficking, and just this week, along with Senator Petka, on his bill I became a cosponsor on the antiterrorism bill. I go all over the board on trying to save lives and reducing handgun violence in Illinois. I am not a National Rifle Association legislator, and this bill did not come from them. This bill was drafted by myself and by Mark Warnsing of the Senate Republican Staff; my cosponsor, Senator Adeline Geo-Karis, a woman, a former mayor; a former prosecutor, Senator Ed Petka, in this Body. And anybody who knows Ed Petka knows he's one of the toughest people on crime in the State of Illinois, the former prosecutor, or State's attorney, of Will County. We have Senator Shaw, a minority legislator from the City of Chicago on this bill. We also have Senator Woodyard from downstate Illinois. So this bill has a -- a -- a variety of sponsors. I want to save lives; I want to reduce crime, and I want to reduce accidental deaths by handguns. And, Ladies and Gentlemen, if you suck the emotion out of it, this bill does all of those things. So I came down here with an open mind. I did a lot of research. I said no to the sponsorship of this bill twice. Thirty-nine states have enacted laws to allow people to carry concealed weapons. In fact, let me correct that: It's now up to forty-two. Oklahoma, where they had a massive tragedy just weeks ago, passed this bill just a matter of hours ago, and it's Governor came out for this bill a couple of weeks ago. Texas has also passed this bill in the last few days. In North Carolina it has passed the Senate and is awaiting approval in the other Chamber. Twenty-three states

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

actually allow people unbridled discretion to carry concealed weapons. According to the head of New Yorkers Against Handguns, my bill is actually the best-drawn bill in the country. And he said on a recent nationwide talk show that while he's opposed to the carrying of concealed weapons or handguns period, my bill is a well-crafted document. Concealed carry laws do reduce crime and they save lives, and in fact, nationally, violent crime rates are lower in right-to-carry states: twenty percent lower for aggravated assault, 38.4 percent lower for robbery, 37.9 percent lower for homicide. And most importantly, if you don't like handguns and you're like me, for handgun safety, handgun homicide rates are 41.1 percent lower in right-to-carry states. Senate Bill 1129 -- and I'm very disappointed in some people I've seen in television, and talking to the media, and editorial writers, who obviously never read my bill before they spouted off. Senate Bill 1129 does not put more guns on the street. I drafted this bill so it requires applicants to already have a firearm owners identification card, and I don't want to burst anyone's bubbles, but unfortunately - or fortunately, depending upon your viewpoint - these people already have guns. I amended this bill the other day to make the training requirements for it more stringent than we have for about the five thousand part-time police officers we have on the streets of the State of Illinois, and I estimate that only about one percent of Illinoisans could apply or would apply for this permit. But I would submit, Ladies and Gentlemen of the Senate, that the other ninety-nine percent of us who don't own a gun - like me, who don't hunt, who aren't FOID card people or National Rifle Association aficionados, will be much safer on the streets of Illinois with this legislation. The U.S. Justice Department shows that forty percent of all felons readily admit that they have not committed crimes because of threats of concealed weapons. And Florida State University criminologist

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Gary Kleck believes that two and a half million times a year, in the states that have this - and this is, by far, the majority of the country - crimes are not committed because of the threat - the mere threat - of a concealed firearm. A nationwide study by constitutional lawyer and criminologist Don Kates also unfortunately found that the error rate - the error rate where someone, as a bystander, may be hurt - is much greater with police than, in fact, permit holders from this. A homicide -- and I'll talk about Florida in a minute -- a criminal homicide has never taken place with somebody who has a concealed firearms permit. Senate Bill 1129 -- and without sounding like the Blues Brother's movie, it was nice to see our men in law enforcement here this morning, and I'll -- I'll, in the close, talk about law enforcement. But I want you to know Senate Bill 1129 is endorsed by the Law Enforcement Alliance of America, with its forty thousand members. It's the nations largest coalition of law enforcement officers, violent crime victims and citizens united for justice. Importantly, in ninety-nine percent of the cases nationwide where a concealed firearm is ever exposed to ward off thugs or criminals, no shot is ever fired, and there are no shoot-outs in the thirty-nine states - now soon to be forty-one or forty-two states - that allow this. Rank and file police, I would submit, really don't have a problem with concealed carry. Maybe the guys who sit behind the desk who are under political pressure do, but a law enforcement technology magazine survey recently showed that seventy-six percent of street officers believe that trained, responsible adults should be able to carry concealed firearms. Recently, twenty-one deaths could have been avoided in Texas if a woman down there was not forced to leave her gun in her car when a criminal murdered her parents and twenty-one others at a Luby's restaurant, and similarly, twenty lives were saved just a few weeks later when two criminals entered a restaurant in



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Anniston, Alabama, a Shoney's restaurant like we have here in Springfield, when a concealed carry citizen defended himself and saved twenty lives that afternoon. I don't want to get into - I think other people will, Mr. President - the United States' basic right to defend one's selves against bodily harm or injury. Finally, just to close before I'll open it to any questions one may have, I want to talk about the Florida experience. Florida, another large state, and many large states have this: Pennsylvania, Arizona, Washington State, and as I just mentioned, Texas has just come on board, unfortunately too late after that Luby's restaurant massacre. Handgun homicides, when they enacted this in 1987, to the present, have gone down twenty-nine percent in Florida. The homicide rate went down twenty-two percent, while it shot up nationally, and in Florida, only seven one-thousandths of permit holders have ever had their permits revoked due to any criminality. And again, let me point out, there has never been a homicide in Florida with anyone who has a concealed firearms permit. There are no "Wild West" shoot-outs, Ladies and Gentlemen. And in fact, sadly, I believe - and, in fact, I know - it was much safer in the Wild West than it was in our -- is on our streets today. Florida's right-to-carry bill - and I mentioned the law enforcement officers...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard, would bring your remarks to a close, please. Senator Dillard.

SENATOR DILLARD:

...was endorsed by Florida's Department of Law Enforcement, the Florida Sheriff Association, the Florida Chiefs of Police Association and other law enforcement groups. Florida State Representative Ron Silver, who was really one of the big opponents of this bill, said, "I'm pleasantly surprised to find that I think it's working well." And finally, according to Florida's licensing

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

director, not one licensee has accidentally injured himself or another person or has been involved in a firearm mishap as a result of insufficient training. I think Illinois should join the other eighty percent of America and make our streets safer, save lives and reduce crime. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Channel 17-Decatur requests leave to photograph the proceedings. Is leave granted? Leave is granted. Ladies and Gentlemen, we have a number of people who wish to speak. We're going to turn the timer on. Use that as a guide if you would please. Senator Collins. I'm sorry, Senator Collins. Senator Jones, for what purpose do you rise?

SENATOR JONES:

Yeah. Thank you, Mr. President. With all deference to our dear -- our colleague, Senator Dillard, now -- for the other Members you're going to put a timer on, and I recall when Senator Dudycz was in the Chair, you indicated the timer would be on. Now for the "Wild West" bill that we have here, you gave him all the time you wanted to present the bill, but you're going to deny other Members the opportunity to equal time. That's not fair, and let's be fair. If you're going to put the timer on for one, put it on for all.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins, you may proceed.

SENATOR COLLINS:

Question of the sponsor, and I -- I think it's -- Senator, now let me -- let me just understand your rationale here. I -- you said -- you made a statement that you had taken -- you know, a lot of people throughout the area were in favor of this. Did you actually poll your district, and are you saying that the majority of the people that you represent in your district are in favor of this bill?

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Senator Collins, when I sit down with my constituents and suck the emotion out and talk to them about this bill, tell them that most of America has it and what it does, most of them, if not all of them, come walking away saying, "I don't have a problem with this bill."

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins. Yes. Senator Collins.

SENATOR COLLINS:

Senator, with all due respect to you, and I -- and I highly regard you as a Senator and as a person, but would you please answer my question? Did you do a survey in your district and did the majority of people in your district you surveyed actually favors this bill? Because I happen to know your district.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

I have not done a specific poll in the 41st Senate District, no.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

Now, Senator, did you -- did you -- do you have any statistical information that shows that the -- the policemen, law enforcement people who have been wounded or killed in cross fires with people who are committing crimes, or not committing crimes, whether or not these people were carrying guns?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Senator Collins, to my knowledge, there has never been a police officer that has been somehow involved in a homicide with a concealed firearms permit holder.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

Well, Senator, to the bill: It would appear to me that if more people are on the streets with guns -- and every time you turn the television on today, I think probably the most glamorized series on TVs, are people just shooting up each other and shooting up not only each other, but just shooting up property and everything else. And so what you're doing here is you're saying and you want us to believe here today that you're going to make it safer for the people on the streets and for the people of this State by allowing every person who is qualified, based on your criteria here, to carry a gun. I think that is utterly ridiculous, and I don't care how many states have enacted this law; there is something fundamentally wrong about this. And I just -- I just would hope that we would not -- would defeat this bill, and rightfully so, today.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Yes. Thank you, Mr. President. I would just like to stand on a point of personal privilege. In response to what the Minority Leader stated earlier, that -- that any Member in this Chamber was denied time to debate or was -- was cut off while addressing the Senate. At no point during any time during today's proceedings or, in my knowledge, this Session has any Member been cut off. They have all been afforded the courtesy. They have been reminded that time is short. They have been encouraged to -- to keep their remarks brief, but at no time has anyone been cut off or been

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

denied the ability to fully explain their position on any issue. And I, for one, Senator Jones, am undecided on this particular bill, and I welcome full debate from both sides because I still haven't decided what I'm going to do. So to deny any Member the opportunity to give their opinion here is -- is denying every Member the ability to be well-informed and to make a -- an informed decision.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones.

SENATOR JONES:

Just in response to the previous speaker. And we were not being personal on this issue. The Senate President, Senator -- Senator Philip said "Let's hold the remarks down." You in the Chair indicated that we're going to put the timer on. There was no timer on when he was presenting that bill, as such. So the only thing I'm saying to you and the Body, if we want to do that -- and I don't need you jumping up and down trying to remind me. I hear very well. But if you're going to do that, be equal to all. That -- the rules will state that there is a time for those individuals presenting the bill. The timer was not on. You know it and I know it, but don't -- but when he got through speaking, you indicated you're going to put the timer on. That's what I was talking about.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Cullerton. Senator Cullerton. Senator Dudycz, for what purpose do you rise, sir? Senator Dudycz.

SENATOR DUDYCZ:

Mr. President, if the Minority Leader had been paying attention, when I was in that Chair and I made the announcement that the time was going on, I specifically stated that timer is going to be a guideline. Nobody is going to be kept to that

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

timer. We were just trying to make the business of the day flow. So, please do not say that anybody was cut off. The timer was put there to guide the proceedings.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. I don't question the motives of the sponsor of the legislation. We -- we can have weapons in our home. Now, legally, we can have weapons at our place of business. Some people think that it's just a logical extension to be able to go out on the street with a weapon, and I'm sure that they are well-intentioned. It's just that I, personally, feel that there's a major difference when you go out of your home and/or your place of business, on the street, with a weapon. And the law enforcement agencies like the State Police, the Illinois Association of Chiefs of Police, the State Fraternal Order of Police, rank and file police officers oppose it. Citizens across the State also oppose it. If you polled them now, I would suggest that three-fourths of them would oppose the carrying of concealed weapons in Illinois. There's children and community organizations like the American Academy of Pediatrics, Voices for Illinois Children, the Child Care Association and the PTA that oppose it. I think that this bill caters to a few people who use guns for self protection, but it ignores the many who are victimized. Now, Senator, you -- you threw around statistics. I think things get lost when you talk about statistics, but just so I can match your statistics with my statistics so it's, hopefully, an even draw, if you -- you cited Florida. This similar bill passed in 1986. Between 1987 and '92, the violent crime rate in that State increased by seventeen percent. In 1993, Florida had the highest rate of violent crime in the nation, according to the FBI. Their homicide rate did decrease very slightly in 1990 and

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

'91, but remember that in Florida they passed legislation requiring a background check for handgun purchasers, and they required, with a 1991 bill, a three-day waiting period for handgun purchases. Now, the bill could arm criminals. The bill could allow for such nonviolent offenders as drunk drivers, drug users, people who permit sexual abuse of a child, property trespassers and negligent gun dealers to own concealed handguns. The bill is bad public policy. It says that our best solution to the crime problem is more guns on the street, and you said this isn't going to put more guns on the street. Well, maybe you're referring to the fact that people who own guns in their home are not going to go out and buy any new ones. Well, that might be the case, but they're going to take them on the street now, and so, literally, there will be more guns on the street. And I quote from a firearms business magazine that says Interarms, Incorporated marketing vice president called the increased number of states considering carry laws as the most important star on the horizon for our sales. So they think it's going to result in more guns on the street. What we ought to do is consider more thoughtful and less dangerous approach to give more resources to our police to do a better job. You know, a couple weeks ago - or maybe it was last week - Jim Brady came to the State of Illinois to lobby against this bill specifically. And it was kind of interesting. It was the first time I'd met Mr. Brady. He's a remarkable man. And during that primary that you referred to, Senator Dillard, I was also in a primary, and Mr. Brady endorsed my opponent. And yet, he was here, working against this bill that you are sponsoring. I think that he gave a very impassioned plea for us to really think twice about what we're doing. It's not a good idea. The potential for harm is enormous. I don't -- once again, I want to reiterate I don't question your motives, but I think it's something which we ought to vote No on.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Trotter.

SENATOR TROTTER:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Trotter.

SENATOR TROTTER:

Just a couple of questions. Can you share with me some of the criteria of those individuals who will be qualified to carry these -- these weapons?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Senator Trotter, while this has a lot of safeguards, generally one could never have committed a felony, one could never have been dishonorably discharged from the military, one could never have committed a misdemeanor that had any type of violent tendencies, and I have a stringent firearms training course requirement that requires the State Police Director to set training up to fifty hours, which is ten more hours than is required for part-time police officers today in Illinois.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Trotter.

SENATOR TROTTER:

Does -- this is up to fifty hours, but it's -- actually the law says between fifteen and fifty hours. So there's no guarantee that they'd get fifty hours of training. Is there any psychological training that's going to go along with this, or evaluations?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Senator Trotter, obviously we have extensive mental health background checks here, and as I told Mr. Brady when he was here the other day, on this, actually he should be for this because this actually gives us a second, more extensive background check for mental health and -- and other purposes. And my bill, if you'll look at the training requirements, also asks that there be a special emphasis on self-defense and justifiable use of force.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Trotter.

SENATOR TROTTER:

The question I was specifically asking was -- was, one, it tells you how but not when to use a gun. And when I say psychological background checks, of the propensity of one to use a gun. We're going to arm a lot of individuals. And of what I've been reading, who said that "I would love to have this -- this gun, this -- this weapon, because if somebody angers me, I'm going to be prepared." So, how do we -- we stop these individuals from the gun? Police officers have to go through this extensive psychological background check. They actually take a battery of -- of tests. Are we going to give this battery of tests to these individuals who we're now arming on the streets, who might get cut off?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Senator Trotter, this is a Second Amendment right against death or grave bodily harm. It is not a bill that allows one to wield these as side arms, and moreover, vigilantism is illegal today. It's illegal tomorrow, under my bill, should this pass, and this just is for the protection against yourself or of yourself and your family against death or grave bodily harm. That's its purpose.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Trotter.

SENATOR TROTTER:

Yes, just before I close, I understand your intent, and -- and they're good intentions from your part; however, there's a lot of individuals who don't have those intentions. There's a lot of individuals out here who do look at this as an opportunity to be that vigilante, to be that support person to the police officer who isn't there, which is one of the things we addressed just yesterday when we voted for -- for -- in arming and also in empowering part-time police officers. What you're doing here is just basically creating part-time police officers who have not gone through the extensive training, who have not had the psychological evaluations, who will be getting out there who feel now that they're -- they are stronger, they are badder, they are tougher because they have this nine-shooter on their hip. And this just isn't it. And we're talking about are we allowing or just curtailing those who not have been convicted. According to this, it's an applicant who has not been convicted of a forcible felony under the laws of this State or any other jurisdiction within twenty years of the applicant's application for the firearm -- the FOID card, or at least twenty years have passed since the end of that period of imprisonment may, in fact, hold a weapon. So we're saying that here's someone who might have had a felony, who can still get a gun, just twenty years -- under the FOID card, but they haven't done nothing in twenty years, but -- but now we're going to give them a gun. I think we -- you're really stretching it here when you're empowering these individuals with these weapons.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Mr. President and Ladies and Gentlemen of the Senate, will the sponsor yield for one question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

How many states in the United States already have a law that gives the privilege to a law-abiding citizen to carry a gun?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Today, thirty-nine states have some type of concealed carry permit, soon to be forty-one, forty-two, forty-three, forty-four and growing. Twenty-three soon to be twenty-five in an unbridled fashion.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I don't see anyone saying anything to the fact that criminals will get guns whether we like it or not. They have one of the strongest antigun control ordinance in Chicago and there's more crime going on than we can count -- all over. I read -- I want to quote from an editorial writer of the Sun Times, Michelle Stephens, March 13, 1995. She says: "Why should criminals be the only people carrying concealed weapons? Armed violence is running rampant in this country, in reckless defiance of the twenty thousand laws aimed at regulating gun use. But those laws haven't done a thing to disarm the gun-toting killers, rapists and robbers, and they haven't put the breaks on drive-by shootings." "We need the right to arm ourselves so we can defend ourselves." And she's supporting this bill through Ed Petka's bill, which was merged into this bill. She also says: "And, indeed," there "is a safety

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

issue. I know I'd feel more safe with a gun in my purse or pocket, and less like a prisoner forced to stay home behind locked doors." And "cops are never always around when you really need them... Imagine the fear and frustration of being approached by a menacing stranger on a dark street and knowing you're helpless to defend yourself." In Florida, there are two hundred and sixty-six thousand seven hundred and ten concealed weapon permits issue, and only nineteen of them - nineteen of them - have been revoked. Now, what does that tell you? People who are law-abiding citizens are going to follow the law, and this law that Senator Dillard and Senator Petka have crafted is the strongest law imaginable. You have to be twenty-one years or older. You have to reside here five years. You have to have a FOID card, and you to complete a State Police certified firearms education training course, ten hours or more than -- than are required even for part-time policemen, and that includes safety training and a written examination on self-defense. I have been sent letters from my district. My chief of drug prosecutions in the State's attorney's office is for this bill. It's a safeguard for the law-abiding citizen. It's high time we take care of the law-abiding citizen who can qualify under the strict rules set forth by this bill. And I think it's time we take our heads out of the sand, for heaven sakes. I -- I've been a former assistant State's attorney. I know what it's all about. I've been a former mayor, and I can tell you right now that when there's a law-abiding citizen who has the comfort of knowing that they have a gun, to go in a dark alley or drive through -- in a very bad area, they have some protection. I speak in favor of this bill, and I ask all of you to support it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

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

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Clayborne.

SENATOR CLAYBORNE:

Yes, Senator Dillard, during your presentation, you made a -- a statement with regards to training. Is there anything or are there any amendments or is there anything in this bill that allows for a continuing a recertification by a person who's originally received this permit?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Senator Clayborne, I believe as this bill is drafted the Illinois State Police, through the rule-making power, set the rules for the type of -- of training course that is required, and I'll put in as legislative intent right now that I fully expect in that rule and rule-making power, that there be some provision written into the State Police's rules for retraining.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Clayborne.

SENATOR CLAYBORNE:

I understand what you're saying, Senator Dillard, but my question is, there is -- there is a provision in this bill that sets out the requirements for renewal. And in -- in this bill, is there -- or your amendments, is there anything in there that requires a person who's received a permit to get some continuing legal education -- I mean, get some -- get some continuing education on the use of this firearm? For instance, if you have a driver's license, you're required every so often to either take a written test or to take a on-the-road -- over-the-road test. My question, once again: Is there anything in this bill that requires a person - maybe -- maybe ten years from now - to make sure that they are able to use this weapon and that they're

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

qualified to use this weapon? I -- I think you would admit, Senator Dillard, that even police officers are required to re-qualify to use that weapon. And I will ask you once again: Is there anything in the bill that requires a person who's received -- received the permit to get a recertification?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Thank you, Senator, and again, it's -- it's my belief that the State Police will put in some type of a retraining provision. And I do want to point out, Senator Clayborne, this is a carry bill for your own protection. This is different than a police officer. This is not a pull-and-shoot bill. This is just to defend yourself, and in ninety-nine percent of the cases throughout America, no shot is ever fired. And let me also say again - and this goes back to Mr. Brady and what I told Mr. Brady when he was here - we have no training requirements today to have a gun. These people have the guns today. At least I require fifty hours of training and an extensive background check.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President. Is it not true, Senator Dillard, that one of the crimes that is not -- if you've been convicted of resisting or obstructing a police officer, you could still get a permit. Isn't that correct, Senator Dillard?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Senator Clayborne, again, my bill -- and I don't know where Senator Trotter was reading this twenty year stuff from. My bill says that if you have ever been convicted of a felony, no, and if

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

it's a misdemeanor that involves a violent propensity or tendency, the answer is no, or even the threat of such violence.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Clayborne.

SENATOR CLAYBORNE:

So, in other words, you don't have an answer to the question that I just proposed to you, regarding this specific -- this specific crime.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

I believe what you've stated in your question to me, Senator Clayborne, would prohibit one from having a concealed arms -- firearms permit in Illinois.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Senator -- Senator Dillard, in the FOID Card Act, there is a -- a provision in here that allows -- you're amending the FOID Card Act, and there is a provision in here where you are allowed -- to -- to get a permit for this particular crime. Your bill does not address this particular crime. Am I -- am I correct, Senator Dillard?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Senator Clayborne, on page 3, in paragraph 7, there must be an affirmation that the applicant has never been convicted of any felony - that's any felony - or of a misdemeanor involving the use or threat - or threat - of physical force or violence to any person. And again, I believe those set of facts you stated would prohibit one from being granted, and I would hope that the State

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Police across the street in the Armory would err on the side of conservatism.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR CLAYBORNE:

So -- so the legislative intent is for the Section in the FOID Card Act not to apply.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Part of the confusion, I think, Senator, is you're reading from the FOID card. You've got to look at my bill, which does piggyback the FOID card, but in my concealed bill - this bill, Senate Bill 1129 - in that paragraph, I believe one cannot apply for a concealed firearms permit, and it's in my bill specifically.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Parker. Senator Parker.

SENATOR PARKER:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

He indicates he will yield.

SENATOR PARKER:

If this bill becomes law, will you be able to carry a gun into a grocery store? Just yes or no.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Senator Parker.

SENATOR PARKER:

If this bill becomes law, will you be able to carry a gun into a church?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Yes, assuming that the local unit of government does not have some type of preemptive activity or ordinance.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Parker.

SENATOR PARKER:

If this bill -- if this bill becomes law, will you be able to carry your weapon into your place of work?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

I hope so.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Parker.

SENATOR PARKER:

But we won't be allowed to carry them in here. Now, there's where you're missing out. Then -- I'm just trying to picture how this is going to work. Then if you can't -- if this bill becomes law and you do not want it in your place of work, businesses now will have to come up with rules that you cannot carry a gun, or places will have to come up with signs "NO GUNS ALLOWED!" Is that what's going to have to work with this?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Senator Parker, government buildings and other public places

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

like that are -- are delineated in the bill, but again, we have a patchwork of firearms ordinances all throughout Illinois today. And we're going to have, perhaps, a preemption bill in front of this Legislature, and if you have problems with that patchwork, maybe -- I know it's on there -- on the Calendar on 1st Reading looking for a sponsor. But we have a patchwork of firearms laws today, and please remember that the one percent of the people who will apply for this will be the people, I believe, that will be the most responsible citizens of Illinois and clearly understand the firearms permit, which -- that carries law-abiding requirements, perhaps better than anyone.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Parker.

SENATOR PARKER:

My concern is that they can carry them into the grocery stores and churches and places of business without us saying anything in preemption about that. Now, I wanted to ask another question. Because you -- we are going to allow, if this goes through, people to carry guns, they're going to assume that they're going to be able to shoot them. Is there anything that's in your bill for increased penalties in case that that were to happen?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

There are pretty stringent laws, as well as civil liabilities, in this area, but again, national statistics show ninety-nine percent of the cases, a shot is never fired. And again, with respect to the sufficiency of training requirements, for example in the State of Florida, there has never been a mishap.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Parker.

SENATOR PARKER:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

When police carry guns, they're uniquely trained on how to shoot the gun if they need to. They are trained either to shoot to kill or shoot to injure a person. In the training that you're talking about that they would be receiving under -- to carry this -- to carry the gun, do they receive this kind of training on how to shoot a person either to kill them, to injure them, so they do not shoot innocent people by mistake?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Senator Parker, it's up to the State Police Director to certify which course is allowed, but in the bill, I have an emphasis on self-defense and justifiable use of defense. And please remember, Senator Parker, that this is -- and the reason for concealed firearms is much different than the way a police officer would use their weapon. It is basically to protect yourself and your family against death or great bodily injury, and one does not pull and shoot a weapon like a police officer might.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Parker.

SENATOR PARKER:

I understand that, but when they shoot somebody - and this is why they're carrying a gun: because they may shoot somebody - they should be trained not to hurt somebody innocently. And they're going to be shooting somebody either to kill or injure them, and they should understand how to do that. I want to ask again about the training that somebody brought up. If -- what is -- there is not any additional training, then, required in your bill for this after you do receive your initial training requirement. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

SENATOR DILLARD:

Again, Senator Parker, it's my belief that the way the State Police would draft their rules would be to require some type of retraining affidavit of firearms competency and perhaps draft into their required renewal system some type of retraining provision.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Parker.

SENATOR PARKER:

To the bill: There's a mentality that this legislation will reduce crime and firearm-related homicides. But according to law enforcement officers - and we saw a large group of them here, all against this bill - the opposite is true. Law enforcement administrators are called upon daily to deal with the fear-of-crime issues in our communities. And what about that fear? If this bill becomes law, how do we curb fears of a motorist who's thinking what's going to happen if he accidentally cuts off a car and the passenger is mad? How do we encourage a police officer to be aggressive in the line of duty, when they are constantly concerned about being confronted by a person carrying a legal weapon? How do we tell the police officer, by this bill, that every time they pull over a car a person may have a legal gun in that car that they happen to stop? And what about our children? Let's think about what they're going to think. There is such a strong move today in America to make it less violent. What sort of message are we sending our children to tell them that people are allowed to carry guns in grocery stores? And what do we tell them as parents when we are saying, "Be careful of strangers, and by the way, that stranger may be carrying a gun"? "And why will that stranger be carrying a gun," the child will ask. And the mother or father will have to say, "Because he may need to shoot someone." What will our children be thinking? Many states are passing this law, but that's their business. That

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

doesn't make them right. With the fear and tension that's in our community and our country today, this is not the direction that the State of Illinois should be going in? I urge you to vote No.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you very much, Mr. President. It is quite unfortunate that we have come to this in America. But guess what? We have come to this. I rise in support of this legislation, and I'm saying it as the Senator that represents the most crime-ridden district in Illinois. I have been in the district, in the police stations with my commanders, and looked up on the wall because people were having me come there with complaints about the police not doing their jobs. And he showed me the list - the list of shootings and rapes and armed robbery, and it would blow your mind. We are at a point, unfortunately, where the police simply cannot protect us, and that's the truth. And we may as well face it. We may as well face it. I'm also bothered by this debate and similar debate that I was involved in in the city council, because most of the politicians that I know carry a gun. And if they don't carry a gun, they have a bodyguard, 'cause they can afford a bodyguard or they charge the State for the bodyguard, or they charge the city for the bodyguard, or they charge the county for the bodyguard. So it's okay for us to carry a gun, but it's not okay for the average man, woman, law-abiding citizen out there that are just trying to survive, to carry a gun. Let me let you in on a little secret, my friends... Mr. President, I -- I can't hear myself and I've most certainly been courteous all Session to everyone else, and I'd like to be able to hear myself. The crooks have the guns, my friends. The crack cocaine dealers have the guns. The gang bangers have the guns. The mafiosos have the guns. We're the ones that don't have the guns. And we're the

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

ones who can't carry the guns. I have had the stickup man put a gun to my head. It is not a good feeling. If you haven't had the stickup man put a gun to your head, and then when you call the police, the police say, "We can't be everywhere - we can't be everywhere," what are you going to do? All we're trying to do is give the law-abiding citizens of this State a fighting chance - a fighting chance. That's it. Let you in on a little story and I'll be through: They had a gun shipment - federal government - coming through Chicago, west side of the City of Chicago. The trains just happened to break down in the back of Rockwell. Now, Senator Dudycz might know about this. The train just happened to break down behind the public housing building. The Vice Lords just happened to know which train to go in to get out the AK-47s, hand grenades. They just happened to know. If you believe that, I want to sell you the Old State Capitol Building over there. Somebody told them, because the crooks are going to get the guns, and the crooks are in every level of government, as well as out there in the street. All I want to say is this: This is a tough vote, and I know it's a tough vote. We don't want to be here. But guess what, my friends? We are here, and we are faced with the reality that the police cannot protect us. And don't be a hypocrite, my friend. If you're packing right now or got it down in your office, or know you carry five or six or seven days a week, you will be a liar and hypocrite to vote No on this bill. I urge you to vote Yes, for common sense and for the protection of our children.

PRESIDING OFFICER: (SENATOR MAITLAND)

Ladies and Gentlemen, the Chair has been very tolerant about the -- about the number of minutes that each speaker is speaking. So, please, do your best to -- to watch the timer and bring your remarks to a close, close to the end of the three minutes. Senator Molaro.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

SENATOR MOLARO:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

He indicates he will yield, Senator Molaro.

SENATOR MOLARO:

Apparently there are certain laws or -- or -- that you can break or commit or be convicted of and still receive or -- or carry a handgun. Is one of them driving under the influence of alcohol? Because that is a misdemeanor, your first offense.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

That is correct, Senator Molaro, and that does not prohibit one from having fifteen, twenty or thirty guns today.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

Yes, but apparently what we're doing is your bill is different because we're now allowing them to carry a handgun on the street. So, let me ask you: In Illinois today -- as we all know, George Ryan, Secretary of State, a bill's coming up to lower it to .08. So what -- what that means is, if someone's driving a car and they're pulled over by a police officer, first thing you're asked is "Where's your license to drive this car?" much like you're going to be asked "Where's your license or card to carry this gun?" You're going to be asked that when they see a gun on your person - "Show me your license" - just like with a car. If you show the license, you're fine, except that when a police officer stops you in a car and he feels that you are under the influence of alcohol, he will ask you and you will have to take a Breathalyzer and you will be arrested, because a car, while under

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

the influence, can be considered a deadly instrument. The whole of the State of Illinois is against that. There is no more deadlier instrument than handgun. The only reason a handgun was manufactured, even if self-defense, is to cause death or great bodily harm. You don't want to injure someone; you want to kill somebody with a handgun. That's why there's power behind it. But, yet, I do not see in your bill, unless I'm mistaken, that we have a sobriety test for someone who's stopped on the street and carrying a handgun, if he is under the influence. Is it a crime to be under the influence, in your bill, for carrying a handgun? Do you have a sobriety test in it? That is a question.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard. Senator Dillard.

SENATOR DILLARD:

Senator Molaro, if you're a pedestrian and -- and are carrying such a firearm on the street, there is not a sobriety test.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

To the bill -- I'm done asking questions, but -- but let me just say this: So what we're going to do is we're going to make it illegal to drive a car under the influence, but it's not illegal to walk around with a handgun in -- in your -- in your holster, or wherever you're going to carry it, under the influence. That's fine. So you can drive a car, but -- you can't drive a car, but you can carry a handgun. There are exceptions to where these could go. One is a school; can't be within a thousand feet of a school. So if you're driving a car and you've got your handgun, we're going to have to put all kinds of red markers up and down streets, "YOU'RE WITHIN A THOUSAND!" Oop! Can't turn here, can't turn there, or you've got to throw your gun out. When we go to Bulls games, when we go to Bulls games, what are we doing



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

to do? Pack it at the front? Everybody put their guns up before you walk in a Bulls game? You can carry it near a park. So I can go watch my kid's basketball game at a park - we're all packing - but I can't go to a Bulls game with it. But I could go to my kid's grammar school or high school basketball game, but I can't -- as long as it's outdoors in the park. Carry 'em in day care centers, but you can't go in a tavern. So let's go around where there's babies and kids, but not where we've got taverns and everybody else is packing a gun. This bill has a lot of holes in it. I understand, there is no doubt, I am one hundred percent for keeping guns in homes. It makes sense. Maybe even in cars. Definitely in your home, in your castle. But we've got to be careful when we start putting them on the street, because people are going to -- there are people in this room that leave their wallet in their cars. People are going to go to a Bulls game, leave it in their car, forget it's in there. They're eighteen-year-old son is going to be taking the car the next day. This is -- we're -- we're really opening ourselves up here. Let -- you know, you don't lose it for you; you double you. So you could brandish this gun anywhere. As you become a police officer and you get older in life, you tend to lose -- use your gun less and less. To have this being carried around is -- is a serious mistake. Liquor, alcohol in this State, is not only legal; it's promoted. We promote alcohol. We promote alcohol consumption. Can you imagine -- okay, you can't carry it in a tavern. So let's all go drink and go right back into our cars and put the guns back in. Do you know what happens when you're under the influence and you can misperceive a threat? We talked about -- in his -- in his comments, he talked about the woman who left the gun in her car, and if she would have had it with her, she might have saved somebody. You know what we have? We have sixteen-, eighteen-year-old kids that might brandish a knife, or might

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

brandish a gun when they're going to rob somebody. Most times they don't. Ninety-five percent of the time it's not used; it's not gone off. But if someone else had a gun, they'd say: "Yeah, you got one? How about this?" Bang, bang, bang! And here, instead of saving lives, we're creating deaths. Let me finish this by saying this, and I'm finished: A gun - a handgun - is used for protection in the house, and the right to bear arms makes a world of sense. But a handgun is strictly to cause death. So if it's to protect yourself in your home, it makes sense. Life is very, very precious. It can be snuffed out very easily. To put handguns on the street, when we are human beings and we anger each other all the time, is a terrible mistake. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Weaver.

SENATOR WEAVER:

I would move the previous question.

PRESIDING OFFICER: (SENATOR MAITLAND)

Ladies and Gentlemen, there are five speakers who have wished to be recognized prior to the motion. Senator Shadid.

SENATOR SHADID:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

He indicates he will yield, Senator Shadid.

SENATOR SHADID:

Senator, I think there are several flaws in your bill. Is it -- will this bill, if it passes, allow all the citizens in Illinois to carry a gun anywhere in the State of Illinois?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

I do not preempt home rule, and while one could -- if -- depending upon where you live, have this permit -- for example,

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

that Bulls game analogy right there is totally moot because I would assume that in the City of Chicago, they probably do not wish to preempt home rule here. So you obviously cannot take your concealed firearms, depending upon local ordinance, everywhere in the State of Illinois.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shadid.

SENATOR SHADID:

In other words then, any home rule city in Illinois -- now, Chicago presently does not allow people to carry guns. So, Rickey Hendon, you'll have to move to Chillicothe, Illinois if you want to carry your gun. So I think what's happening here, these home rule cities then can pass a law that say "You can't carry your gun in our town." So if you want to carry your gun throughout the State of Illinois, you're going to be taking it off and on, putting it in your trunk, whatever, whenever you go through these towns. And I'm concerned also that if this was put in the for the safety of the citizens so that they could protect themselves, then why aren't the citizens of Chicago and these other home rule cities included?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

END OF TAPE

TAPE 5

SENATOR DILLARD:

Senator Shadid, as you know as a former local government official, they can change their law. And I'll grant you, we have

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

a number of holes in our firearms laws today, and they're confusing, and as this debate goes on, I think I've sort of made up my mind how I'll probably vote on preemption, 'cause you've made the case for me.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shadid.

SENATOR SHADID:

Could you tell me what the cost of the program is? It's my understanding that the State Police right now are way behind in processing the FOID cards.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Senator Shadid, again - and it's one of the things that the -- the Rifle Association folks don't like about my bill - I have a hefty one hundred dollar permit fee here, and even the trumped-up fiscal note from wherever it came from, which didn't like my bill, admits that for the first five years my hundred-dollar fee is sufficient to do the background checks. And I would assume we'll do in the Legislature like we normally do, about every five years we will relook at whether or not we should increase this fee. But it's a hundred-dollar fee, and it's self-sufficient for the first five years, I believe.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shadid.

SENATOR SHADID:

The FOID card - that fee has not been raised since 1969, and -- and the Director of State Police has predicted that the cost is going to be seven hundred and seventy-four thousand dollars for this program.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

SENATOR DILLARD:

Senator Shadid, that's a good point. And my bill, on that hundred-dollar fee, says that if there's a surplus from the concealed firearms permit fee, it can be used by Director Gainer and the State Police to speed up those FOID cards.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shadid.

SENATOR SHADID:

In Oklahoma - I just got a -- a note from the State Police -- from their State police in Oklahoma, they have not signed it into law, and they're reconsidering it right now. So, Oklahoma is not going to -- they have not signed it and they don't know if they are or not. Also, this gentleman named Tim McVeigh was stopped for a traffic violation in Oklahoma -- or in Kansas, I think -- forget where -- Oklahoma. And if -- if the police officer would not have seen the concealed weapon on him, there's a possibility he wouldn't have taken him to jail. He would have given him a ticket - traffic ticket - and he'd have been released, if the Oklahoma law would have been in effect. So, it's my -- I'm really concerned that -- the bottom line with me is also that it's a bad bill; it's a bad precedent for Illinois. And also, what we're doing is putting more pressure and making the cop's job on the beat much more difficult than what it is. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? The last speaker, Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President and Members of the Senate. The debate has been long; it's been emotional. A few thoughts: As some of you may know, I had a prior life before the General Assembly, being the State's Attorney of Will County. In 1985, there was a murder of a Joliet police officer named Marty

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Muren, who was one of the police officers whose names appeared outside today in the memorial service. During the trial of that case, credible evidence came through the federal authorities and through an international police known as Interpol that since I was the chief prosecutor in that case, that the Latin King gang had put a hit out on myself. They were going to take me out or members of my family. Because of that, the Joliet Police Department put around-the-clock police guard for me during the trial of the case. I did not request it. As a matter of fact, I didn't even want it. Everywhere I went, to a restaurant, to walk in the park, to a watering hole, anywhere, I had police officers with me and so did my family. The system worked in McLean County, in Bloomington. The person who killed the police officer was sentenced to death. He's still on death row, unfortunately. I was afforded absolute maximum protection because my status was such, as a prosecutor -- the chief prosecutor in the murder of a police officer, that they felt that it was important that I have this protection. But it was during that trial of that case and afterwards where I started asking myself questions about gun control laws. Because I asked rhetorically: What about the woman who is stalked? What about that insurance salesman who is simply left at the mercy of the savages of the streets? But, sorry, folks, because some of us are big shots, we're not worthy of protection -- we're the only ones who are worthy of protection. In our scheme of things - and this has been the history of this State since inception, 1818 - we have recognized the right, an inalienable right, to have the -- to use force, and deadly if necessary, to fend for ourselves. The beauty of our founding fathers in their scheme for this nation - the ordered scheme of life, liberty and protection of our property - was that it was well understood that inherent in that right that we would remain as free people, that we would maintain the ability to act as free

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

people and retain the ability to protect ourselves if called upon to do so, or as they say in New Hampshire, "Live free or die." If we do not have the right or the ability to protect and defend those rights, at whatever cost, then I submit to you, we simply do not own the right. As some of you know, I come from a law enforcement family. I have right now two nephews who are sworn police officers, carry the badge and carry a gun. If I felt for one moment that I was placing their life in jeopardy with this form of legislation, it would have been simply off the burner, but I'm a cosponsor. Police officers do a remarkably fine job considering the savagery of the animals who now roam the streets. But they simply cannot be everywhere, as much as we try to make it so. Our permit-to-carry legislation refines what is already on the books. We have an unlawful use of -- or, a FOID Statute which permits any person who meets the qualifications to possess a weapon. Under this legislation, we refine it so that if you want to walk outside of your home, you have to jump through a lot more hoops: twenty-one years of age; you cannot have been convicted of a -- of a felony; you could not have a conviction for a misdemeanor involving the use of force; you have to go through a background check; fifty hours of training, because what we are, in fact, doing is making sure that the risks inherent in the use of force will be exercised responsibly. But we have had a -- a -- a series of arguments, very emotional, that a person who would go through the application and permit process, who would take the time to fill out the forms and go through all the training and pay a hundred dollars, who would be a lawful citizen in all other ways, suddenly, when he gets this concealed weapon, after going through all of the lawfully assembled hoops, will suddenly become a criminal. I can't imagine, in my wildest, how that justification could be made. This is a very -- carefully crafted piece of legislation which is based upon the experiences in other

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

states which have shown that there is a remarkable correlation between the right to carry firearms and a decrease in the homicide rate on innocent victims. In my opinion, Senator Dillard, you ought to be commended in standing up for the right of people that -- in this State and carrying on a tradition of our founding fathers. And I would only hope - I would only hope - that people in this General Assembly have the courage to say no to those individuals who operate under the guise of political correctness and ridding the streets of handguns and also, in the same -- in the same mentality, will disarm us of our constitutionally endowed right to protect ourselves if the need arise. I urge a strong vote of Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard, to close.

SENATOR DILLARD:

Thank you, Mr. President. And I appreciate it, my colleagues and friends, your indulgent -- indulgence in this very long debate. I do want to point out two things. First of all, in Oklahoma, one of my colleagues referred to a Mr. McVeigh who was stopped with a concealed firearm. He'd have to have an Oklahoma concealed arm -- firearms permit. The chances are, number one, he wouldn't have applied; but, number two, he would not have had an Oklahoma firearms permit, and he still would have been stopped under my type of legislation. Senator Cullerton, my friend, I will work with you to reduce handgun homicides on our streets, whether they be in Chicago or in downstate Illinois. I've done it in the past, and I'll do it again in the future. But I really believe that my bill will reduce crime and it will save lives. It does not put more guns on the street. It has a deterrent effect, as seen nationally. And again, accidental deaths by handgun go down. Let me close, very briefly. As I said, a couple of women brought this bill to me. And a letter from a woman here in



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Springfield, who owns a small business on the east side of town, wrote me and says she realizes, quote, "this is a very emotional issue" and that she has seen the damage that guns do to families and friends, but she's learned one important thing - and I think it's important to remember: that fear and ignorance of gun safety is far more dangerous than the guns themselves. And as a mother, she writes, "Until society can remove the guns from gangs and criminals and thugs," that she should have a constitutional right to protect herself and her family. And she points out and goes on in this letter, how she may have to remove her business from an area that's already deteriorating and move it out of an area where they desperately need the jobs. Just recently, the -- Sergeant Bob Mitchell, the Supervisor of the State Police Units of Concealed Weapons in Florida says, quote, "It's a pretty clean program in Florida, and I haven't seen any problems from a law enforcement standpoint." And just this morning, the FOP Lodge Member of the Year in Florida sent me a note in which he said, quote: "In Florida women walk taller, on a more level playing field, thanks to the concealed handgun legislation passed in 1987. Instead of predicating shoot-outs, male genocide and what have you, handgun-related crimes have dropped in my state. The only people who have ever had a problem with Florida's laws -- law on concealed carries are would-be muggers, home invaders and rapists." And finally with all due respect to the Illinois State Police, and I have received many, many calls and letters from troopers in Illinois who disagree with the Director of State Police, a letter I received said, quote: "I hope the Senate will not be misled by the so-called unbiased polls taken in Illinois and elsewhere. By the questions asked in the areas surveyed, those making the poll can get any results they want, depending upon how they ask the questions. And when you hear how the Chiefs of Police and the Sheriffs' Association here in Illinois are for

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

more gun control and gun confiscation, that's another big lie. It does not reflect the individual police officer's views. And we should all know the heads of these groups are told what to think by big-city mayors and politicians. Now that we have shown the lies and deceptions, let us show the true facts, which you can check for yourself. Look what has happened in other states. That is why we need the Senate to pass and the Governor here in Illinois to sign the concealed weapons bill." I urge a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 1129 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 28 Ayes, 29 Nays, no Members voting Present. Senate Bill 1129, having failed to receive the required constitutional majority, is declared failed. Senate Bill 1133. Senator Rauschenberger. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1133.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senate Bill 1133 deals with a problem that I've been able to observe in the three years since I've been in the General Assembly, and I'm reminded by my -- some of my colleagues, actually goes back far longer than that. Today, long-term health providers in the State of Illinois are subjected to dual surveys by two separate departments of the State of Illinois. The explanations for this from the departments are confused and -- and

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

they're many. This bill would force the Department of Public Aid and the Department of Public Health to do a single survey of the long-term health care providers in the State of Illinois. It's based on federal survey guidelines. It's a pretty good bill. I'd be happy to try to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill -- I'm sorry. Senator Cullerton. I did not see your light. Senator Cullerton.

SENATOR CULLERTON:

Yes. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Cullerton.

SENATOR CULLERTON:

Senator, I -- has this bill been amended, and if not, could you tell me who the opponents are?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Cullerton, thank you for that question. This bill has not been amended. Well, yeah -- it was originally -- it was originally a shell bill, and the -- the substantive language was amended into it. It has not been further amended. The known opponents to the bill are the Illinois Department of Public Aid and the Illinois Citizens for Better Care.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? The question is -- Senator Parker.

SENATOR PARKER:

Thank you, Mr. President. A question to the speaker, or to the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Is that a question, Senator?

SENATOR PARKER:

We just had a concern. Public Aid apparently is concerned about the amendment. If this bill passes out of here, will you continue to work with them so that it can be better drafted to address their concerns?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator -- my volume's gone up -- Senator, what I would advise you is, the Department of Public Aid has been concerned about this type of bill for years. We made a good-faith effort to work with them. The bill, as constructed, duplicates what's being done in several other states. If there are other suggestions by the Department of Public Aid, we'll do our best administratively to work with them. Please keep in mind that the boss of both the Department of Public Aid and the Department of Public Health are the Governor of the State of Illinois. But I would not pledge to you that there's a -- an additional amendment contemplated.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Parker. Further discussion? Senator -- Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. I just rise and support Senator Rauschenberger's effort here. There's no bigger problem in the nursing home industry right now than the parade of people that come through there on a monthly basis from the State -- from -- from the State of Illinois, maybe even local officials, and the federal government. Doesn't really matter. They -- there is no consistency to the regulatory authority that we have given to various departments and agencies of State government. This is a major, major problem that nursing homes have had to deal with over

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

a long period of time, and this is an excellent effort, and I -- I'm glad to support it and hope the -- the Membership will also.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Rauschenberger, to close.

SENATOR RAUSCHENBERGER:

I -- I am advised reliably that -- for the benefit of Senator Parker, that there are some continuing discussions of how to implement this properly. I would urge a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 1133 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 57 Ayes, no Nays, no Members voting Present. Senate Bill 1133, having received the required constitutional majority, is declared passed. Senate Bill 1188. Senator Dillard? Senate Bill 1205. Senator Barkhausen. ...Trotter, for what purpose do you rise, sir?

SENATOR TROTTER:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, sir.

SENATOR TROTTER:

Just for the record, I would like the record to reflect that on Senate Bill 1133, if I had been in my seat, I would have voted Aye.

PRESIDING OFFICER: (SENATOR MAITLAND)

The record will so indicate your intention, Senator Trotter. ...Collins, for what purpose do you arise?

SENATOR COLLINS:

Yes, Mr. President, I -- I noticed on the roll call of the -- of Senate Bill 1129 that I am recorded as not voting. I -- I truly don't understand how that happened. I -- I thought I had

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

voted. I sit here at my switch, and I would like the record to show that I would have voted No.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins, the record will indicate that that was your intention. Ladies and Gentlemen, may I have your attention, please. On the middle of page 12 is Consideration Postponed, middle of page 12. We're going to go to that Order of Business now. As has been our custom in the past, there will be one -- one speaker speaking in the affirmative and one in the negative. And we'll move through that as quickly as -- as we can and give each sponsor a chance to call their bill. Senator Cullerton, for what purpose do you rise, sir?

SENATOR CULLERTON:

I just don't think it's fair that Senator Parker gets her own -- her own special -- Order of Business.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Smith, for what purpose do you arise?

SENATOR SMITH:

Excuse me. Mr. -- Mr. Chairman, on Senate Bill 1133, I was talking. Please, I should have -- I'd like to vote No on that, if I may please.

PRESIDING OFFICER: (SENATOR MAITLAND)

The record will so indicate your intention, Senator Smith. All right. On Consideration Postponed... Senator Dillard, for what purpose do you arise, sir?

SENATOR DILLARD:

Thank you, Mr. President. I'd like to move that Senate Bill 1188 be re-referred to the State Government Operations Committee. That's 1188.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard move to commit Senate Bill 1188 -- recommit it to the Committee on State Government. Those in favor, say Aye.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Opposed, Nay. The Ayes have it, and the motion -- carries. All right, Ladies and Gentlemen. On the Order of Postponed Consideration is Senate Bill 57. Senator del Valle.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. When we debated Senate Bill 57, I indicated that the bill -- the bill would be amended in the House, but because of the rules that do not allow for a bill placed on Postponed Consideration to be brought back for an amendment, I have -- I was not able to file the amendment, but we have filed an amendment today. And what I'd like to ask the Senators is to allow us to move this bill to the House, because my intention and, you have my word, is to amend it with the agreed language coming from the Governor's Office and the Department. So I ask a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Watson.

SENATOR WATSON:

Well, first of all, Madam President, I understand there hasn't really been an agreement reached at this point in time, and I'm not sure what even that means - "agreement" - because the concern that I have is the authority that we -- we will be giving an Inspector General in the Department of -- of Mental Health and Developmentally Disabled. I just think that that authority is being abused right now, quite frankly, and the Inspector General blatantly admitted that in front of the Audit Commission. I just don't think that we need to codify what -- what that individual's doing by this particular piece of legislation. So I would suggest that we kill it, vote No, and let's leave it here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? Any further discussion?

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Senator del Valle, to close.

SENATOR DEL VALLE:

Well, once again, what this bill does and what the amendment that will be placed in the House on the bill will do is to ensure the continuation of the Office of Inspector General within the Department of Mental Health and Developmental Disabilities. That has to be done, because there is a repeal date in the current Statute of January 1, 1996. It also will allow the Inspector General to follow up on reports of abuse and neglect at the MHDD-funded facilities. I certainly know that there are a lot of people who are in favor of that. But again, I will not move a bill in the House that is not a product of the negotiations between the Department and the Governor's Office. I made that commitment and I will stand by it.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 57 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 27 Ayes, 28 Nays, 1 voting Present. Senate Bill 57, having not received the required constitutional majority, is declared failed. Senate Bill Maitland, on Senate Bill 253. Read the bill -- or, Senator Maitland, on Senate Bill 253.

SENATOR MAITLAND:

Thank you very much, Madam President and Members of the Senate. Senate Bill 53 <sic> was the bill that we debated at some length yesterday. It has been substantially amended it -- amended to be completely prospective. It affects only new hirees after July 1 of '97. I believe this is -- is sound legislation. It -- it does address what is a continuing and growing problem in State government with the -- with the unfunded -- the accrual of the liabilities that now amount to about three hundred and fifty



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

million dollars. I would seek the Body's support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Seeing none, the question is, shall Senate Bill 253 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 Ayes, 24 Nays, 4 voting Present. Senate Bill 253, having received the required constitutional majority, is declared passed. Senator Collins. All she has to do is turn on her light, Senator Cullerton. For what purpose do you rise?

SENATOR COLLINS:

Verification of the affirmative votes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Verification is in order. Senator Collins has requested a verification. Will all Senators be in their seats, and will the Secretary read the affirmative votes.

SECRETARY HARRY:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins, do you...

SENATOR COLLINS:

Senator Woodyard?

PRESIDING OFFICER: (SENATOR DONAHUE)

He's not on the roll call, Senator Collins. Senator Collins.

SENATOR COLLINS:

Senator Madigan.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

PRESIDING OFFICER: (SENATOR DONAHUE)

He's in his seat, and he didn't vote on the measure either.  
Senator Collins.

SENATOR COLLINS:

They're all there.

PRESIDING OFFICER: (SENATOR DONAHUE)

All right. On a verified roll call, the Ayes are 30, the Nays are 24, there are 4 voting Present. Senate Bill 253, having received the required constitutional majority, is declared passed. Senator Parker, on Senate Bill 383? Senator Philip, on Senate Bill 397? Senator Philip.

SENATOR PHILIP:

Thank you, Madam President and Ladies and Gentlemen of the Senate. This is -- this is a -- a bill for the good guys. It would authorize five video gambling per fraternal organization. The American Legion, VFW, Moose, Elks, KCs. It will help them in their financial straits, and I would like to see a lot of green votes up there.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Seeing none, the question is, shall Senate Bill 397 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? One more time. Have all voted who wish? Take the record. On that question, there are 30 Ayes, 25 Nays, 2 voting Present. Senate Bill 397, having received the required constitutional majority, is declared passed. Senator Jones, for what purpose do you seek recognition?

SENATOR JONES:

Verification.

PRESIDING OFFICER: (SENATOR DONAHUE)

That question -- or that request is always in order. Mr. --

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Senator Jones has requested a verification. Will all Senators please be in their seats. And, Mr. Secretary, will you please read the affirmative votes.

SECRETARY HARRY:

The following voted in the affirmative: Barkhausen, Butler, Cronin, Cullerton, DeAngelis, DeLeo, Dudycz, Ralph Dunn, Farley, Fawell, Garcia, Geo-Karis, Hendon, Jacobs, Karpiel, Klemm, Maitland, Molaro, Petka, Raica, Rauschenberger, Rea, Shaw, Trotter, Viverito, Walsh, Weaver, Welch, Woodyard, and Mr. President.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR JONES:

Senator Shaw.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw. Senator Shaw? Is Senator Shaw in the Chambers? Strike his name. Any other Member, Senator Jones? Senator Jones, do you... Senator Bowles, for what purpose do you rise?

SENATOR BOWLES:

Thank you, Madam President. I apologize at this point, but one of the reporters had me over in the corner interviewing me on the past vote, and I did not realize that you were voting on this issue at all. I would like the record to show that I would have voted Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

On a... On a verified roll call, the Ayes are 29, the Nays are 25, there are 2 voting Present. Senate Bill 397, having not received the required constitutional majority, is declared failed. With leave of the Body, there has been a motion filed on Senate Bill 397. Read the motion, Mr. Secretary.

SECRETARY HARRY:

Having voted on the prevailing side, I move to reconsider the

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

vote by which Senate Bill 397 failed.

Filed by Senator Dillard.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Very quickly, Madam President. Seeing that there were at least one -- there was at least one Member of this Body who wanted to vote on that and it was short by one, let's try her one more time.

PRESIDING OFFICER: (SENATOR DONAHUE)

Having voted on the prevailing side, Senator Dillard moves to reconsider the vote by which Senate Bill 397 failed. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, there re 33 Ayes, 19 Nays, 2 voting Present. The motion carries. Senator Jones, for what purpose do you rise?

SENATOR JONES:

I notice you moved directly to the motion, but I know we have these rules. Now this motion automatically goes to Rules Committee. Am I correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

No. Senator Jones.

SENATOR JONES:

Did you move to suspend the rules so that we could move to -- to go to motions again? I just want you to follow your own rules. That's all. I mean, whether you've got the votes or not, you should at least follow the rules.

PRESIDING OFFICER: (SENATOR DONAHUE)

We took leave of the Body, Senator Jones. The question is, shall 397 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? Last time.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Have all voted who wish? Take the record. On that question, there are 29 Ayes, 24 Nays, 2 voting Present. Senate Bill 397, having not received the required constitutional majority, is declared failed. Senator Parker, on Senate Bill 409. Senator Barkhausen, on Senate Bill 802? Read the bill, Madam -- Mr. Secretary. Senator Barkhausen.

SENATOR BARKHAUSEN:

I'd ask to take 802 out of the record.

PRESIDING OFFICER: (SENATOR DONAHUE)

Out of the record. Senator Barkhausen, on 864? Senator Barkhausen, on Senate Bill 864.

SENATOR BARKHAUSEN:

Thank you, Madam President and Members. I know the hour is late, but this legislation sponsored by Senator Watson and myself was perhaps the subject of a slight bit of confusion when it first came up. It is -- deals with a slightly technical legal subject matter, but it should not be the least bit controversial. The measure aims to give our citizens an alternative to probate or living trusts or joint tenancy for the passage of real estate from one generation to the next. It allows the owner or owners of property to designate one or more beneficiaries in what would be called a beneficiary deed, whereby the passage of the property would take effect at death. It is modeled after a law that appears to be working well in -- in Missouri. It is similar, if not identical, to legislation that we passed just last year, allowing for the same sort of property transfer means for securities and securities accounts. If there is any objection to it at this point, such objections are only technical in nature and can easily be cleared up in an amendment in the House. I -- I would be glad to answer any lingering questions, and I otherwise ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

Discussion? Senator Welch.

SENATOR WELCH:

Well, let me just say that the sponsor has totally mischaracterized the argument on this bill. It hasn't been agreed to. There are no -- -- minor differences. There are major differences. This is not going to decrease costs for consumers. It's going to increase probate costs, because it's going to be extremely difficult to clear a real estate title if this law goes into effect. That's why the only state in the country that has it is Missouri. It's not a good bill. To compare this to a bill we passed last year that says securities can be transferred is erroneous in claiming it's going to be as simple. Real estate is different from stock. Real estate you record the deed. If you write a will, you don't record the will. It's filed after you die. In this case, you record the deed while you're alive. You can issue a new deed. In the meantime, if somebody dies, you have a problem proving those people died before you can probate the estate. This adds a layer of complexity, not a layer of simplicity, to the Probate Act. It's -- it's not a good idea. The laws have worked fine now. We have several alternatives to probate. We have independent executors. We have summary estate procedures. The Probate Act is working just fine as it is. There's no need for this, and I would urge a No vote just like we did before.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 864 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Last call. Have all voted who wish? Take the record. On that question, there are 24 Ayes, 31 Nays, 3 voting Present. Senate Bill 864, having not received the required constitutional majority, is declared failed. Senator O'Malley, on Senate Bill

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

940. Senator Fitzgerald, on Senate Bill 961. Senator Fitzgerald, on 961.

SENATOR FITZGERALD:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 961 would allow school bus contractors to put in a bid for the transportation system operation of school districts. The school districts would not have to accept the bid, even if it is lower than their in-house costs. The only thing they'd have to do is -- is afterward, tell the contractor their cost. There was a mistake in impression the first time this bill was heard that there were groups that were opposed to it. To my knowledge, there's no group that is still opposed to this bill, following the amendments. We have worked out a compromise with all the interested parties, and I'd certainly appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

...will remind the Body that we have one proponent and one opponent. Senator Watson. Your light was on, Senator Watson. Is there any -- any discussion? The question is, shall Senate Bill 961 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 18 Nays, 3 voting Present. Senate Bill 961, having received the required constitutional majority, is declared passed. Senator O'Malley, on 971? Senator Woodyard, on Senate Bill 1085. Senator Petka, on Senate Bill 1100? Senator Petka, on Senate Bill 1100.

SENATOR PETKA:

Thank you, Madam President and Members of the Senate. This issue has been debated at length in the past. This parental consent to abortion is based directly upon a Statute that was held constitutional by the United States Supreme Court. It seems to me

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

that when minors need permission to marry, permission to have their bodies tattooed, permission to -- from their parents to go on school bus trip, to take medication at school, and the thousands of other things that parents have to -- to give to minors in connection with their consent so that they can have certain procedures or engage in certain processes, it seems that the least we can expect when a -- an advanced and dangerous medical procedure like an abortion, that parents should at least have consensual authority. And I would ask for a Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Just very briefly: This is a bill which we did debate and defeat, dealing with parental consent to abortion. We know who the proponents are. The opponents include the Illinois Coalition against Sexual Assault, Illinois NOW, ACLU, Planned Parenthood, American Association of University Women. There are certainly constitutional issues that that are raised. I would just suggest that people who have voted on this the first time be aware of the fact that we're voting on it now, so that they vote consistently and that we defeat the legislation. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 1100 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Last call. Have all voted who wish? Take the record. On that question, there are 27 Ayes, 27 Nays, 3 voting Present. Senate Bill 1100, having not received the required constitutional majority, has -- is declared failed. Supplemental Calendar No. 2 has been distributed, and on that Calendar, on the Order of Consideration Postponed, is Senate Bill 601. Senator Parker, on Senate Bill 601.



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

SENATOR PARKER:

Thank you, Madam Chairman. Senate Bill 601 we discussed earlier today. Since then, I want you to recall that we had the British Consulate in here, and he talked about how well privatization has worked over in Britain. I figured I should have had him here before my last vote, but I wanted -- I want you to focus on the purpose and the reason for this bill. The purpose and the reason is to help with the overcrowding and to create more beds in the prison system. We need, as of today, to build fifteen more prisons in ten years. In the last seventeen years, we've only built ten prisons. We haven't been able to keep up with the need that we have. I know there's a concern here with the issue of privatization. Let's take the emotion out of it and not be concerned about that, because with this bill, it's only one small seven-hundred-bed facility. It would, for once and for all, give us the opportunity to see if privatization of one prison facility would work. Remember also, in this bill, it is permissive. They could agree, because this would be under the Department of Corrections to only privatize the facility, and Department of Corrections could actually, if they wanted to, take over the operations of this facility. It's a simple bill. It helps, and you have to remember also that three deaths have been attributed because of overcrowding in the prison system today. So I think it's our responsibility to at least try this. One small minimum security, seven hundred beds, and we all know it's needed in the State of Illinois. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Madam President, Members of the Senate. We did debate this, it seems like just a few minutes ago, so I would just suggest when we vote, people know what it is they're voting

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

on and that they vote consistently with what -- the way they voted before. We debated the -- the problems, the fact that it doesn't save that much money, the fact that there's some concern -- concerns about safety, and I would urge a No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 601 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Last call. Have all voted who wish? Take the record. On that question, there are 26 Ayes, 33 Nays, none voting Present. Senate Bill 601, having not received the required constitutional majority, is declared failed. Resolutions.

SECRETARY HARRY:

Senate Resolution 68, offered by Senators Woodyard and Weaver. It's substantive.

PRESIDING OFFICER: (SENATOR DONAHUE)

Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: Referred to the Committee on Agriculture and Conservation - House Bills 965, 1258 and 1486; to the Committee on Commerce and Industry - House Bill 838; to the Committee on Education - House Bills 226 and 689; to the Committee on Environment and Energy - House Bill 318; to the Committee on Executive - House Bills 315, 320, 1498, 2106, 2401, 2407, 2429 and House Joint Resolution 33; to the Committee on Financial Institutions - House Bills 473, 1319 and 2370; to the Committee on Higher Education - House Bills 258 and 1699; to the Committee on Insurance, Pensions and Licensed Activities - House Bills 32, 413, 956, 1843, 2108, 2287 <sic> (2278), 2331 and 2349; to the Committee on Judiciary - House Bills 160, 355, 741, 1069, 1741,

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

1792, 1797, 1910, 2317, 2321 and 2338; to the Committee on Local Government and Elections - House Bills 185, 340, 597, 760, 934, 1070, 1825 and 1931; to the Committee on Public Health and Welfare - House Bill 648, 868, 1140, 1698, 1755, 1869, 1967, 1968, 2226 and 2419; to the Committee on Revenue - House Bills 238, 385, 1149, 1303, 1465, 1523 and 1787; to the Committee on State Government Operations - House Bill 913; and to the Committee on Transportation - House Bills 939, 2294 and 2326.

PRESIDING OFFICER: (SENATOR DONAHUE)

Resolutions Consent Calendar. We will now proceed to that Order. And with leave of the Body, all of those that have been read in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolution?  
SECRETARY HARRY:

No objections have been filed, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries and the resolutions are adopted. Senator O'Malley, for what purpose do you seek recognition?

SENATOR O'MALLEY:

Madam President, thank you. I -- I know we all want to leave here, but I do want to recognize - I just got a note - that some folks from back home happen to be up in the gallery over here from School District 118. And they're -- they're great, great people from the Palos Park area, and I just would like to acknowledge them. Thank you for being here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you rise -- will you rise and be recognized? For those Members that are still within my voice, we have basically concluded our business. We will have Session on Monday at noon,

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

but there are committees in the morning, so I hope you will check your committee calendar. Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 46, offered by Senator Weaver.

(Secretary reads SJR No. 46)

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip moves -- Senator Philip moves to suspend the rules for the immediate consideration of adoption of Senate Joint Resolution 46. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Philip now moves that we adopt Senate Joint Resolution 46. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. ...Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes. Senator Demuzio has filed a motion with respect to Senate Bills 882, 883 and 884. And Senator Shaw has filed a motion with respect to Senate Bill 124.

PRESIDING OFFICER: (SENATOR DONAHUE)

Mr. Secretary, the Chair requests that these motions be printed on the Calendar. So ordered. House Bills 1st Reading.

SECRETARY HARRY:

House Bill 270, by Senator Petka.

(Secretary reads title of bill)

House Bill 412, by Senator Madigan.

(Secretary reads title of bill)

House Bill 1125, by Senator Syverson.

(Secretary reads title of bill)

Senator O'Malley offers House Bill 1459.

(Secretary reads title of bill)

House Bill 1475, Senator Weaver.

(Secretary reads title of bill)

House Bill 1894, Senator Syverson.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

43rd Legislative Day

May 4, 1995

(Secretary reads title of bill)

And House Bill 2076, presented by Senator Sieben.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR DONAHUE)

...any further business to come before the Senate? If not,  
Senator Parker moves that the Senate stand adjourned until May 8th  
at noon. Senate stands adjourned.

MAY 04, 1995

HB-0270	FIRST READING	PAGE	204
HB-0412	FIRST READING	PAGE	204
HB-0803	FIRST READING	PAGE	2
HB-0809	FIRST READING	PAGE	2
HB-1016	FIRST READING	PAGE	2
HB-1018	FIRST READING	PAGE	2
HB-1083	FIRST READING	PAGE	2
HB-1125	FIRST READING	PAGE	204
HB-1459	FIRST READING	PAGE	204
HB-1475	FIRST READING	PAGE	204
HB-1707	FIRST READING	PAGE	2
HB-1894	FIRST READING	PAGE	204
HB-2076	FIRST READING	PAGE	205
HB-2140	FIRST READING	PAGE	2
SB-0007	RECALLED	PAGE	3
SB-0007	THIRD READING	PAGE	5
SB-0018	THIRD READING	PAGE	9
SB-0032	THIRD READING	PAGE	10
SB-0057	POSTPONED CONSIDERATION	PAGE	191
SB-0081	THIRD READING	PAGE	14
SB-0100	RECALLED	PAGE	11
SB-0100	THIRD READING	PAGE	12
SB-0100	OTHER	PAGE	31
SB-0124	THIRD READING	PAGE	17
SB-0124	MOTION FILED	PAGE	204
SB-0135	THIRD READING	PAGE	25
SB-0198	THIRD READING	PAGE	26
SB-0253	POSTPONED CONSIDERATION	PAGE	192
SB-0281	THIRD READING	PAGE	29
SB-0287	RECALLED	PAGE	31
SB-0287	THIRD READING	PAGE	33
SB-0337	THIRD READING	PAGE	36
SB-0340	THIRD READING	PAGE	37
SB-0340	OUT OF RECORD	PAGE	37
SB-0346	THIRD READING	PAGE	37
SB-0354	THIRD READING	PAGE	38
SB-0355	THIRD READING	PAGE	48
SB-0368	THIRD READING	PAGE	59
SB-0377	THIRD READING	PAGE	65
SB-0397	POSTPONED CONSIDERATION	PAGE	194
SB-0397	MOTION	PAGE	195
SB-0403	THIRD READING	PAGE	73
SB-0483	THIRD READING	PAGE	74
SB-0484	THIRD READING	PAGE	77
SB-0485	THIRD READING	PAGE	77
SB-0486	THIRD READING	PAGE	78
SB-0490	THIRD READING	PAGE	79
SB-0532	RECALLED	PAGE	79
SB-0532	THIRD READING	PAGE	80
SB-0565	THIRD READING	PAGE	83
SB-0601	THIRD READING	PAGE	89
SB-0601	POSTPONED CONSIDERATION	PAGE	200
SB-0611	THIRD READING	PAGE	94
SB-0618	RECALLED	PAGE	100
SB-0618	THIRD READING	PAGE	102
SB-0620	THIRD READING	PAGE	104
SB-0662	RECALLED	PAGE	105
SB-0662	THIRD READING	PAGE	111
SB-0682	THIRD READING	PAGE	121
SB-0711	RECALLED	PAGE	122
SB-0711	THIRD READING	PAGE	123
SB-0813	THIRD READING	PAGE	124
SB-0850	TABLED	PAGE	128
SB-0864	POSTPONED CONSIDERATION	PAGE	197

MAY 04, 1995

SB-0882 THIRD READING	PAGE	128
SB-0882 MOTION FILED	PAGE	204
SB-0882 OUT OF RECORD	PAGE	128
SB-0883 MOTION FILED	PAGE	204
SB-0884 MOTION FILED	PAGE	204
SB-0897 THIRD READING	PAGE	129
SB-0923 CONCURRENCE	PAGE	126
SB-0925 THIRD READING	PAGE	130
SB-0926 THIRD READING	PAGE	131
SB-0961 POSTPONED CONSIDERATION	PAGE	199
SB-1007 THIRD READING	PAGE	132
SB-1016 THIRD READING	PAGE	137
SB-1018 THIRD READING	PAGE	141
SB-1019 THIRD READING	PAGE	142
SB-1027 THIRD READING	PAGE	142
SB-1050 THIRD READING	PAGE	143
SB-1051 THIRD READING	PAGE	144
SB-1052 THIRD READING	PAGE	145
SB-1056 THIRD READING	PAGE	146
SB-1057 THIRD READING	PAGE	147
SB-1100 POSTPONED CONSIDERATION	PAGE	199
SB-1129 THIRD READING	PAGE	148
SB-1129 OTHER	PAGE	189
SB-1133 THIRD READING	PAGE	186
SB-1133 OTHER	PAGE	190
SB-1188 MOTION	PAGE	190
SR-0065 RESOLUTION OFFERED	PAGE	2
SR-0066 ADOPTED	PAGE	87
SR-0066 RESOLUTION OFFERED	PAGE	86
SR-0067 RESOLUTION OFFERED	PAGE	89
SR-0068 RESOLUTION OFFERED	PAGE	202
SJR-0045 RESOLUTION OFFERED	PAGE	89
SJR-0046 ADOPTED	PAGE	204
SJR-0046 RESOLUTION OFFERED	PAGE	204

SUBJECT MATTER

SENATE TO ORDER-PRESIDENT PHILIP	PAGE	1
PRAYER-PASTOR KEVIN WOLFE	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
JOURNAL-APPROVED	PAGE	1
JOURNALS-POSTPONED	PAGE	1
COMMITTEE REPORTS	PAGE	2
COMMITTEE REPORTS	PAGE	47
SENATE STANDS IN RECESS	PAGE	88
SENATE RECONVENES	PAGE	88
COMMITTEE REPORTS	PAGE	88
INTRODUCTION OF GUEST-SENATOR HASARA	PAGE	103
GUEST SPEAKER-CONSUL GENERAL ROBERT CHASE	PAGE	103
COMMITTEE REPORT	PAGE	121
COMMITTEE REPORTS	PAGE	202
RESOLUTIONS CONSENT CALENDAR ADOPTED	PAGE	203
ADJOURNMENT	PAGE	205