

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

107th Legislative Day

May 16, 1996

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 James Gerald Nichols, First United Methodist Church, Springfield, Illinois. Pastor Nichols.

PASTOR JAMES GERALD NICHOLS:

(Prayer by Pastor James Gerald Nichols)

PRESIDENT PHILIP:

Will you please rise for the Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal.

SECRETARY HARRY:

Senate Journals of Wednesday, May 8th and Thursday, May 9th, 1996.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

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

PRESIDENT PHILIP:

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

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Tuesday, May 14th and Wednesday, May 15th, in the year 1996, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

Message from the House by Mr. McLennand, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 690, together with the following amendments, which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendments 1 and 3.

We have a like Message on Senate Bill 1380, with House Amendment 3.

Both passed the House, as amended, May 15th, 1996.

PRESIDENT PHILIP:

Senator Clayborne, for what purpose do you rise?

SENATOR CLAYBORNE:

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

PRESIDENT PHILIP:

State your point.

SENATOR CLAYBORNE:

I would like for the Senate to recognize Madeline Hoff, who is an Honorary Page out of my district today from Belleville, and her father, George Hoff.

PRESIDENT PHILIP:

Would they please rise and be recognized by the Senate?
Committee Reports.

SECRETARY HARRY:

Senator Karpziel, Chair of the Committee on Executive, reports Senate Joint Resolution 98 Be Adopted, as Amended, Senate Joint Resolution 103 Be Adopted, and Senate Amendment 3 to House Bill

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2206 Be Adopted.

Senator Woodyard, Chair of the Committee on Agriculture and Conservation, reports Senate Bill 1473 - the Motion to Concur with House Amendments 1 and 2 Be Adopted.

Senator Butler, Chair of the Committee on Commerce and Industry, reports Senate Bill 1490 - the Motion to Concur with House Amendments 1 and 4 Be Adopted.

Senator Sieben, Chair of the Committee on State Government Operations, reports Senate Bill 1389 - the Motion -- Motion to Concur with House Amendment 1 Be Adopted.

Senator Barkhausen, Chair of the Committee on Financial Institutions, reports Senate Bill 681 - the Motion to Concur with House Amendment 1 Be Adopted, and Senate Amendment 2 to House Bill 3128 Be Adopted.

And Senator Peterson, Chair of the Committee on Revenue, reports Senate Bill 1546 - the Motion to Concur with House Amendment 1 Be Adopted, and Senate Amendment 6 to House Bill 431 Be Adopted.

PRESIDENT PHILIP:

Resolutions.

SECRETARY HARRY:

Senate Resolution 216, offered by Senator del Valle.

It's substantive.

PRESIDENT PHILIP:

I would like to remind the Members that House bills on 3rd Reading is the final day for passage. So on page 3 of today's Calendar, the Order of House Bills 3rd Reading. ...Bill 22. Senator Rauschenberger. Read the bill.

SECRETARY HARRY:

House Bill 22.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDENT PHILIP:

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. House Bill 22, as amended, contains the adoption subsidy language that was discussed on 2nd Reading yesterday when we amended it, as well as the change in the statutory authority of the Health Facilities Planning Board. I would appreciate a favorable roll call.

PRESIDENT PHILIP:

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you. Senator Rauschenberger, I know that yesterday Senator Demuzio had asked you about an amendment I had offered in Rules. I don't know if Rules is meeting again today. That would have been a prompt-pay amendment to attach to this. I thought, in fact, you had said that -- you know, assuming that there was going to -- it would come out, that you would hold this for that purpose. The purpose was to have two forms of prompt pay. One was that the providers would now get interest if, in fact, the State didn't pay its bills, and secondly, that State employees for whom the State had not paid medical services bills and State employees who are now incurring from the practitioners interest charges, that the State employees would be given those interest payments back under a prompt pay. And I thought you were going to hold it for that purpose there.

PRESIDENT PHILIP:

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Carroll, I agree with -- with many of your goals. I think prompt pay is critical. I think that we -- with your help and with this Body's help, we've brought the payment cycle into a very rational mode. If you take your amendment, in the future,

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out of Rules and through a committee, I would be happy to work with you on a conference committee placement, but this is 3rd Reading deadline day and I apologize, but I need to move this bill. So although I don't disagree with what you're doing or your goals, I don't feel I can hold the bill.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDENT PHILIP:

He indicates he will. Senator Geo-Karis.

SENATOR GEO-KARIS:

I -- I don't seem to be able to find the bill in my so-called computer, but your -- your bill then, what does it do? It just -- would you just give me a one-line explanation?

PRESIDENT PHILIP:

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Senator Geo-Karis. I explained the amendments briefly yesterday. I will again, so that everybody has an idea. The first -- one of the amendments changes the adoption subsidy that the Department of Children and Family Services can pay. It goes from twenty-five dollars less than the Board rate to five dollars more than the Board rate, or a thirty-dollar change. The second amendment deals with the authority of the Health Facilities Planning Board to enter court or to -- to force the Attorney General to enter court to try to overturn circuit court decisions on certificate of need actions.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

In other words, your bill does not eliminate the Illinois

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Health Facilities Planning Board.

PRESIDENT PHILIP:

..Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you for asking that question. No, it doesn't. Originally there was an amendment discussed that would have repealed the Act. This does not do that, and I appreciate the clarification, Senator.

PRESIDENT PHILIP:

Further discussion? If not, Senator Rauschenberger, to close.

SENATOR RAUSCHENBERGER:

Thank you. I appreciate a favorable roll call.

PRESIDENT PHILIP:

The question is, shall House Bill 22 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 55 Ayes, no Nays, no voting Present. House Bill 22, having received the required constitutional majority, is declared passed. House Bill 24. Senator Karpel. Senator Karpel. Take it out of the record. House Bill 115. Senator Dudycz. Senator Dudycz. Take it out of the record. House Bill 322. Senator Madigan. Senator Madigan. Take it out of the record. Senator Woodyard, for what purpose do you rise?

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. For an announcement. Senator Madigan, I'd like the record to show, is still ill and will be absent today.

PRESIDENT PHILIP:

Thank you. The record will so indicate. With leave... Senator Rauschenberger. Is Senator Rauschenberger asking leave to -- to consider Senator Madigan's Bill 322? Is leave granted?

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Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Mr. President, I'd like leave to transfer sponsorship to Senator Cronin.

PRESIDENT PHILIP:

Is leave granted to transfer sponsorship to Senator Cronin? Leave is granted. Senator Cronin, House Bill 322. Read the bill.

SECRETARY HARRY:

House Bill 322.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Cronin. Take it out of the record. House Bill 432 {sic} (431). Senator O'Malley. Senator O'Malley. Senator O'Malley seeks leave of the Body to return House Bill 432 {sic} to 2nd Reading for the purpose of an amendment. Is there any objection? If not, leave is granted. Senator O'Malley. On the Order of 2nd Reading is House Bill 432 {sic}. Mr. Secretary, are there any other Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 6, offered by Senator O'Malley.

PRESIDENT PHILIP:

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Just a matter of clarification for the record, this is House Bill 431 and Floor Amendment No. 6 was -- was reviewed in committee today. It allows permissive language to allow any taxing district to abate its property taxes on property devoted exclusively to affordable housing for older households. I'd be happy to answer any questions there may be.

PRESIDENT PHILIP:

Any further discussion? If not, all those in favor, signify

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by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any other Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. House Bill 431 -- whoop! House Bill 456. Senator Rauschenberger. Senator Rauschenberger, 456. Take it out of the record. House Bill 527. Senator DeAngelis. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 527.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator DeAngelis.

SENATOR DeANGELIS:

Mr. President, I'd like to have leave to have this taken out of the record.

PRESIDENT PHILIP:

Take it out of the record.

PRESIDING OFFICER: (SENATOR DeANGELIS)

...purpose does Senator Demuzio seek recognition?

SENATOR DEMUZIO:

Thank you, Mr. President. I have a group that's in the gallery. I'd like to proceed, if I might, to introduce.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Please proceed.

SENATOR DEMUZIO:

In the gallery behind me is the Christian County Farm Bureau group that's visiting with us this morning, and I'd like for them to stand and be recognized by the Senate if you -- if I might.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Will our guests please stand and be recognized? House Bill 545. Senator Cronin? Take it out of the record, Mr. Secretary. Senate {sic} Bill 548. Senator Cronin. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 548.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 548 has a number of different components to it. We -- we -- we amended this bill yesterday on the Floor. There was Amendment No. 2 which requires first-time offenders over the age of seventeen in Cook County only to, one, work toward their GED, high school diploma or vocational training and, two, to pay for the costs of the education. There's also some components that were proposed by Senator Dillard that, in addition, incorporates a number of initiatives to permit the Illinois Department of Corrections to maintain more control over the gang population within it. Creates a category of electronic contraband - namely, cellular phones, pagers, computers - and provides penalties for possession. Next, it authorizes the worker to restrict visitation to noncontact visits for persons involved in gang activity. Third, incorporates a number of ranges to the disciplinary procedures which were previously approved as an amendment to Senate Bill 1823, the "chain gangs" bill, which I know everyone really is more supportive of now than ever. And, finally, it gives authority to the Attorney General to file counterclaims against an inmate on behalf of the State employee in legal actions by

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inmates. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Geo-Karis. Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you. The sponsor yield?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will.

SENATOR CULLERTON:

I'm trying to catch up on the computer here as to what -- what went in, and I don't know if it's updated or not. What was the -- if you could just talk about yesterday's amendments again, just real quickly.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin.

SENATOR CRONIN:

Okay. We added in another mode of technology: namely, videotape recorders. That seems to be a current issue, and everyone agrees that that also should be considered contraband.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Senate Amendment No. 3, did that have to do with indemnification?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin.

SENATOR CRONIN:

I -- I'm not sure I understand your question. I don't -- there doesn't appear -- there's not a component -- there is not a component of an indemnification here. There is a component in the earlier part that requires first-time offenders to pay for the cost of their education if they're pursuing their GED, high school diploma, or voc -- voc ed. Thank you.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 548 pass. Those in favor...
Oh, I apologize. Senator Shaw.

SENATOR SHAW:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR SHAW:

Would you explain that part about that videotape in terms of
contraband?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin.

SENATOR CRONIN:

Yes. The -- it was contained in Amendment No. 3 yesterday,
and it said that it creates -- this bill -- this legislation
creates a category of electronic contraband and -- which includes
items like cellular phones, pagers, computers, and also now
videotape recorders. And it authorizes the Department of
Corrections to prohibit the possession of these items by their
employees, you know, guards and so forth, and it also authorizes
them to impose certain penalties.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

SENATOR SHAW:

Let me -- let me get this clear now. Right now the inmates
can have the video recorders. Is that correct?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin. Senator Cronin.

SENATOR CRONIN:

No. Senator Shaw, no, they're not permitted by regulations
under the Illinois Department of Corrections, but we're not very
confident in some of those regulations these days, so we've

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decided to put it in State law.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

SENATOR SHAW:

And that means -- what this means is that you're prohibiting inmates from having those tapes -- those video recorders altogether now. Is that what you mean? I'm just trying to get it clear.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin.

SENATOR CRONIN:

The policy is that we want to keep these items out of the jails and prisons completely. If an employee of the Department of Corrections wishes to utilize one of these items or utilize some of this equipment, it must be authorized; otherwise, it's -- it's considered contraband.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

SENATOR SHAW:

One final question. Does this have anything to do with the Speck tapes?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin.

SENATOR CRONIN:

Well, as Senator Dillard pointed out yesterday, he's a man with great foresight and wisdom, and he was sensitive to this problem before this -- this Speck event exploded on the scene. But he has amended it and a -- to include videotape recorders as well, in response to the latest episode.

PRESIDING OFFICER: (SENATOR DeANGELIS)

And now, the question is, shall House Bill 548 pass. Those in favor will vote Aye. The opposed, vote Aye. The voting is now

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open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, none voting Nay, none voting Present. House Bill 548, having received the required constitutional majority, is declared passed. For what reason does Senator Geo-Karis seek recognition?

SENATOR GEO-KARIS:

For a point of personal privilege.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point, Senator.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, last night the Senate baseball team played the House baseball team, and we're happy to tell you that the Senate won by a score of -- I believe it was 16 to 5. Now, to give you the names of the people who played: Dave Syverson, after he dropped a few balls, made four hits. John Cullerton made two hits; he's a co-coach with Senator Watson. Bob Molaro, he was -- had very good looking legs, had no hits. Tom Walsh was an all-star shortstop. And -- and the winning pitcher was, of course, Carl Hawkinson, who not only did a good job as pitching, but he had four hits. Kirk Dillard made -- hit every time he came to bat and did a good job in the field, and he was selected as the most valuable player. Rickey Hendon hit a home run, and he runs so fast that he made it right from the simple field - did a great job. Brad Burzynski was a speed-burner. Louis Viverito is a good looking man; he was the rookie of the year. And George Shadid, if you ran the sheriff's office the way you played ball last night, we would have been in deep doo-doo - yes, he grabbed everything in sight, except the ball. And Jesus Garcia, Chuy, did a good job after he lost a few balls -- after he lost -- after he lost a few balls of his own and then he decided he was man enough to go out and hit, and he did a good job. Miguel del Valle is always a charming gentlemen - he did his best. James

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Clayborne looks real great in uniform, and that's where it ended. Frank -- Frank Watson was the coach for the -- the Republican side, along with, as I said, John Cullerton, the coach of the Democrat side. And last night we retired the jersey of Senator Robert Raica. And I might say that my colleague on the other side, and I hope he's here, Jimmy DeLeo, did a great job commentating the game with me, and we had a very good result. And of course, Kathy Parker is such a winner: When they had the tickets for the prizes, Kathy won last year, and this year she won a prize to go to the St. Louis/Cubs baseball game - four tickets. So I think we ought to commend our baseball team, because they did an outstanding job. And I'll tell you one lesson they learned: When you lose your balls, you have trouble. So, congratulations.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Carroll.

SENATOR CARROLL:

Totally unrelated to that, Mr. President, 'cause that would be too hard to follow anyway. Just, I happened to have been on the phone when the last bill, Senate {sic} Bill 548, was called, and had I been at my switch, I would have voted Aye. If the record could so reflect.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The record will so indicate. On the Order of -- of 3rd Reading, House Bill 995. Senator Cronin. Take it out of the record, Mr. Secretary. On the Order of 3rd Reading is House Bill 999. Senator Cronin? Take it out of the record. On the record of -- on the Order of 3rd Reading House Bills is House Bill 1249. Senator Petka. Senator Petka? 1249? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1249.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

Thank you, Mr. President and Members of the Senate. Senate Bill 1249 is a smorgasbord of a number of criminal justice issues meant to fine-tune the Criminal Code. Rather than going through every, individual provision, if there are any questions in connection with this, I would be more than willing to answer questions.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 1249 pass. Those in favor will vote Aye. The opposed will vote Nay. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, none voting Nay, none voting Present. House Bill 1249, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is House Bill 2206. Senator Philip, do you wish this bill recalled? We'll return 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 House Bill 2206. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Philip.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 2 to House Bill 2206 simply does one thing. It changes the effective date to July 1, 1996. I move its adoption.

PRESIDING OFFICER: (SENATOR DeANGELIS)

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Any discussion? If not, all those in favor, say Aye. Opposed, say No. The Ayes have it, and the amendment is adopted. Any further Floor amendments, Mr. Secretary?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Philip.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 3 to House Bill 2206 would allow the Secretary of State to disclose motor vehicle -- accident information. This is a recommendation from the Secretary of State. They do it in all other states. I move its adoption. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is -- all those in favor -- any discussion? All those in favor, signify by saying Aye. Opposed, say Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DeANGELIS)

3rd Reading. On the Order of House Bills 3rd Reading is House Bill 2230. Senator Cronin. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2230.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin.

SENATOR CRONIN:

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

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House Bill 2230 has had a very exhaustive hearing process, and we have proposed a couple of amendments to it since it came over from the House. The background on this bill is that it is the culmination of about two years of work of many in the -- the education community, specifically the special ed community. A group of -- of educators, special ed experts, parents with children with disabilities came together and tried to figure out a way to improve the current process, the current process whereby a parent or a child challenges a local school district for a decision about how their child is to be educated - the child with the disability. The current system, as many of you know and I'm sure that many of you have had constituent cases that have come to your attention, the current system is not a good one. The current system is lengthy; it's burdensome. It's emotionally traumatic for the parents and families that go through it. It's expensive, and it's long and drawn out. On top of that, those who participate in it have very little confidence in the independent judgment abilities of the decision makers. This bill changes it. This bill changes a difficult situation and makes it a more fair, a more certain, and a less expensive proposition for those that -- that must go through it. This bill has -- I think it has good bipartisan support. It lays out a whole myriad of -- of policies and procedures. It talks about a one-step due process hearing, rather than two steps. I want to emphasize, I'm very sensitive to any diminution in one's due process rights. This is not the case. One hearing does not preclude a participant from going further and taking their case into circuit court. Furthermore, there's mediation procedures, and we think that a one-step process that provides certainty and fairness and doesn't limit one's abilities to take it further is better than a two-step process that drains the participants and is unfair. That's the main component of the bill. There's qualifications for hearing officers. There's a

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component that requires that they don't have any kind of conflict of interest, an amendment that Senator Berman put on. There's also a component that requires a certain amount of training and -- and qualification. There's also a dismissal and an evaluation procedure for the hearing officer. This bill lays out how hearings are to be convened, talks about the conduct of the hearings and, finally, the decisions, the appeals, the placement and so on and so forth. There's many components to the bill. I'd be happy to answer any questions. This has support among all the communities in the child care/special ed field - practically all. I think ninety-nine percent of those who are involved in this field support this effort. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in support of this legislation. It is a very sensitive subject when you're dealing with disabled children and the process for making sure that they get an adequate education. This bill -- the -- the main bill was the product of approximately three years of discussions between all of the various interest groups. And I think that Amendment No. 2 that was adopted is also an improvement to the bill. It allows for one substitution of a hearing officer by either side. And I think there is still some other areas that we have to explore. There's some federal legislation that may have an impact, but those things will take place next year. We'll have an opportunity to reevalutate them as we move forward. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator O'Malley.

SENATOR O'MALLEY:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR O'MALLEY:

Senator Cronin, first of all, I want to tell you that I admire the fact that you've stepped up to the plate here and tried to deal with an area that is fraught with -- just by taking it on, fraught with controversy, and -- and I think that you've done an outstanding job trying to bring parties together. Unfortunately, however, I cannot support this -- this legislation in its current form. I believe you made comments that the current system is not a perfect system, and if I'm incorrect in that, please correct me later on in your remarks, but I think that's -- that's probably a truthful statement. However, I'm not sure that this particular legislation is going to be such an improvement that we should step forward. Yes, indeed, there is a two-step process in the current system, but this legislation eliminates the second step. Does this bill change the current system? Indeed it does, and it changes it substantially. And is there federal legislation pending that is going to perhaps address some of these concerns, and will we be back here dealing with this issue again next year? I would think that that's probable, as there's legislation pending in both chambers of the Congress. The bottom line, as far as I'm concerned with this particular legislation, however, is that I think it's important when we decide to move forward on something as important as this legislation, that we develop and build consensus. I think there's been a representation that there are significant number of the parties who are interested in this legislation across the State of Illinois who are in support of it. Well, perhaps there's more than fifty percent. I don't know if there's ninety-nine percent in support of it. I'm led to believe that the Learning Disabilities Association of Illinois is a strong

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opponent to this legislation and that they represent a -- a significant amount of parents and other parties who are interested who exceed, by far, one percent. Consequently, I would urge a No vote on this legislation, and I would encourage that the process continue, the debate continue, and that the parties include the representatives of Learning Disabilities Association of Illinois and all other interested parties in the deliberations. I don't think it's acceptable to say that those particular parties, for whatever reason, did not attend the discussions that were ongoing in connection with this legislation. I think it's the obligation of the proponents to get them to the table and -- and make sure that whatever concerns they have are given a fair and clear airing and are allowed an opportunity to have significant input into the process. Again, I -- I urge a No vote on this legislation.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin, to close.

SENATOR CRONIN:

Thank you very much. As you can see, this is a sensitive issue, but I do think it's a positive step in the right direction. I need to -- to advise the Members that this bill -- or the due process provisions in the bill do not take effect until July 1, 1997. So if the federal government acts in some way, we can certainly respond. There'll be plenty of time to do so. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 2230 pass. And those in favor will vote Aye. The opposed will vote Nay. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 44 Ayes, 8 voting Nay, 2 voting Present. House Bill 2230, having received the required constitutional majority, is declared passed. CLTV News wishes permission to videotape. Is

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permission granted? Permission is granted. House Bill 2294.
Senator Mahar. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2294.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. House Bill 2294 comes to us at the request of Citizens' Utilities, who has two contracts pending to supply Lake Michigan water in the -- far southwest suburban areas of the metropolitan Chicago. They want to be regulated as a common carrier by pipeline in order to take advantage of the eminent domain powers and tax-free financing that is available to common carriers by pipeline. Senator Klemm offered an amendment which was adopted on the Floor yesterday which provides that in its review of public convenience and necessity for common carriers by pipeline who are transporting crude oil, the Illinois Commerce Commission shall consider, but not limit it to, a number of entities of evidence such as environmental impact; impact of the proposed pipeline on traffic safety, road construction; impact of the pipeline on any -- conservation areas, forest preserves, wildlife preserves, wetlands; the impact on public safety presented by local governmental units; and the effects of pipeline upon property values, et cetera. I know of no opposition. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR WELCH:

Senator Mahar, does this only apply to water coming from Lake Michigan? We've got a couple pipelines coming through north-central Illinois carrying all kinds of chemicals, and we're not particularly thrilled about them having eminent domain. Is it just that one company?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Mahar.

SENATOR MAHAR:

This is -- the original bill only deals with, I am told, water by pipeline. The amendment deals with crude oil by pipeline.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

So your statement here, for legislative intent, is that it doesn't apply to anything else, just crude oil and water, and no other pipeline carriers would be included in this legislation?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Mahar.

SENATOR MAHAR:

Yes.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 2294 pass. Those in favor will vote Aye. The opposed, vote Nay. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, none voting Nay, none voting Present. House Bill 2294, having received the required constitutional majority, is declared passed. House Bill 2238. Senator Cronin? Take it out of the record. Senate {sic} Bill 2529. Senator Hawkinson? Read the

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bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2529.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. House Bill 2529, as amended in the Senate, does three things now. The original bill was recommended by the Peoria County Board and -- and Peoria County Sheriff. As amended, it -- it provides that a county board, by ordinance or resolution, can provide that reimbursement for the cost of medical services will be at Public Aid rates for those in the county jail. There was a controversial provision regarding regulation of telecommunications towers; however, that was removed by Senate amendment and is no longer in the bill. By amendment that we added yesterday, it provides - this was on behalf of the Kane County Forest Preserve - that for districts in -- in counties under four hundred thousand, would require a two-thirds vote of the board - now a unanimous vote - prior to the sale of any one or more parcels which are less than an acre in size where the sale is advantageous to the district, and for Lake County, that the district may issue licenses by two-thirds vote - now majority - for activities directly connected - the language now is "reasonably" connected - with the purpose for which the district was formed. It also -- the original bill contains a provisions under the Counties Code allowing county boards to exempt certain pleasure driveways or park districts from the county's zoning powers. I know of no opposition in its present form and would ask for a favorable vote on House Bill 2529, as amended.

PRESIDING OFFICER: (SENATOR DeANGELIS)

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The question is, shall House Bill 2529 pass. Those in favor will vote Aye, and the opposed will vote Nay. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, none voting Nay, none voting Present. House Bill 2529, having received the required constitutional majority, is declared passed. ...Bill 2593. Senator Butler? Out of the record. House Bill 2596. Senator Watson? Senator Watson? Out of the record. House Bill 2616. Senator Maitland? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2616.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. House Bill 2616 is -- is identical to a bill we passed out of here a month ago that raises the minimum retirement annuity -- annuity to those of our retirees who retired at a very low level. What this does is -- is increases the average monthly benefit by about twenty or twenty-five dollars. And in essence, we are affecting, as I indicated last month, about four thousand people, and this, frankly, will be somewhat of a declining number for the obvious reasons. But I -- I -- it had good support when it left this Chamber before, and I would seek the similar roll call, Mr. President, today.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 2616 pass. Those in favor will vote Aye. The opposed will vote Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have

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all voted who wish? Take the record. On that question, there are 55 Ayes, 1 voting Nay, none voting Present. House Bill 2616, having received the required constitutional majority, is declared passed. House Bill 2691. Senator Syverson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2691.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. House Bill 2691 does five different things related to the public health field, and let me quickly go through those. First, it provides needed clarification for health care worker background checks. Now, that's been worked on and negotiated, and we have agreed language on that. Second, it enhanced -- enhances the Department of Public Aid's ability to file actions to determine parentage to assist in increasing child support collection. Third, it authorizes the Department of Public Aid to establish a worldwide web, which will help in the collection in going after deadbeat dads. Fourth, it will require a mandatory certification or training in day cares to also add to it training in children's CPR, as well as the Heimlich maneuver. And, fourth -- or lastly, fifth, it provides for civil immunity to organized volunteers who transport individuals to health care facilities. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Clayborne.

SENATOR CLAYBORNE:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

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Sponsor says he will.

SENATOR CLAYBORNE:

Senator Syverson, if -- if -- according to this bill, if someone was voluntarily taking someone to a -- emergency facility and that person ran a stop sign or ran through a -- a red light and they were hit by a truck and broadsided, and the passenger in that truck -- I mean, the passenger in that car was killed and that was the only means of support for those children, would they have a right to recover against that -- that -- that driver?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Syverson.

SENATOR SYVERSON:

No, they would not.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Clayborne.

SENATOR CLAYBORNE:

I -- I -- just to briefly speak on this bill. This bill -- I guess there are some good intentions as it relates to this bill. Maybe there are circumstances in which we would feel sorry for people because they take upon this responsibility, but the problem we have is, we're substituting the job for emergency vehicles. We're imposing -- we're not holding people responsible and accountable for the passengers in their car. The deed may be good, but yet this relieves a person of the right to -- to be protected. In the instance that I just talked about, you're talking about a whole family who's lost their means of support and they have no right to redress, and this is why we have the court system. This bill, as it relates to the -- the good samaritan, is no good, and it would not allow families to be protected. It is always subject to some abuse, because the rationale can always be "I was taking them to a facility, and it was in an emergency situation." This bill should not pass with the good samaritan

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portion in it.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Trotter.

SENATOR TROTTER:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR TROTTER:

Senator Syverson, presently are -- are not all Illinois drivers supposed to have liability insurance?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Syverson.

SENATOR SYVERSON:

That's correct.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Trotter.

SENATOR TROTTER:

So -- and -- and that liability insurance is basically there so just in case there is one of these unfortunate things we call "accidents" occur. So why are you putting your language into this bill? Is there really a necessity for this language, if we already, in fact, by law and by statute, state that we must have liability insurance? So, why are we giving immunity to these other individuals?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Syverson.

SENATOR SYVERSON:

Senator Trotter, that's a good question, and the answer is very simple. At a time when we're trying to push for more volunteerism, at a time when hospitals are being forced to pay out of their own pocket to have taxis transport people to hospitals, we need to look at ways to expand volunteerism. One of the

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questions that insurance companies ask drivers, one of the -- one of the questions that insurance companies ask not-for-profit organizations is: Are you transporting people? Are you driving people? Who are you driving in those cars? And they charge accordingly. We're getting to a point now where many volunteers either do not want to get involved in those programs or are prohibited because of having to pay for riders to insurance policies because they're going to get involved in these kinds of activities. So, yes, the policies do cover it, but more and more insurance companies are starting to ask questions, and they're starting to charge accordingly, because they help out or want to volunteer.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Trotter.

SENATOR TROTTER:

These recipients of these services, the -- the individuals who need the -- the transportation to the health centers and so on, can't they accomplish this same goal by signing a release?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Syverson.

SENATOR SYVERSON:

It's going to require every person who wants to volunteer a few hours of their time a week to go out and get legal advice, to get special waiver forms, to have to go to each person they do to get that, the uniformity of releases for all volunteer organizations in all hospitals or dental offices throughout the State, and it really was burdensome.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Trotter.

SENATOR TROTTER:

These aren't releases for the volunteers. These are releases for the -- those individuals -- the patients themselves. Just as

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they have scheduled appointments and give medical releases so that they can have various tests done, cannot this just be a part of that packet that says so release information or, in this case, release the driver from the liability -- for me? I mean, they, in themselves, are taking it upon themselves to acknowledge that this person is doing them a favor and do not want to sue if, in fact, that opportunity comes up.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Was that a question, Senator Trotter?

SENATOR TROTTER:

I'm asking, why can't -- again, 'cause he didn't answer correctly before. I'm talking about the patients, not the volunteers. Why can't the patients or the recipients of the services sign the release?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Syverson.

SENATOR SYVERSON:

Well, they -- again, the problem is, for a patient to sign that release that's offered by the pharmacy or offered by the hospital, the patient would have to go to the hospital or would have to go to the pharmacy, and that's part of the purpose of this whole thing. So, we're trying to get into some kind of a uniformity. This just makes it much simpler for everybody - again, with the intent of trying to increase volunteerism in this State.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Trotter.

SENATOR TROTTER:

To the bill, if I may. Certainly this is -- there are some aspects of this bill which are really great. There's some necessary components of this legislation that -- that we need on the statutes. Just, unfortunately, this piece of legislation is -- which addresses the Good Samaritan Act, I believe is an onerous

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piece of legislation and I believe should not be in this particular bill. And because of that, I will ask the other Members to possibly vote against it and maybe come back and redo this piece without this being included in it. And I ask the Members for a No vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dunn.

SENATOR DUNN:

Thank you, Mr. President. To the bill: We often hear that we're in the age of personal responsibility in relationship to our fellow citizens. This bill does exactly the opposite. This claims to increase volunteerism, but it does so at the cost of personal responsibility. And what this bill says is that if you are negligent, you are not liable; that if you, as an individual... Could we have some order, Mr. President? Mr. President? What this bill says is - thank you - is that you must commit a wilful and wanton act, rather than a mere negligent act, so that if you are merely negligent and you run into a school bus loaded with children and a fire ensues, and you're only negligent, you're not liable. And I'll tell you what that translates into: That translates into no care for those children, because they're all going to have minimal medical care under a policy of their parent, or homeowner. It'll be a five-thousand-dollar cap, and it won't come anywhere close to paying for burn victims or people that are really, truly hurt. This is a bad bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR PALMER:

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Senator, I notice that in this bill that is called the "good samaritan volunteer bill" is a feature on the health care workers background check. Now, that is totally unrelated to this. Why is this included in this bill at all?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Syverson.

SENATOR SYVERSON:

This is the way the bill came over to us from the House, and so it was in that language that was -- originally came from the House.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Palmer.

SENATOR PALMER:

To the bill: I join with those who have called this a bad bill. Let me just point out that with this piece of legislation what you're doing is sliding in something that is bad business for a lot of people who are now working in the health care field, and it is a little piece of hypocrisy here. I had a bill that would have brought this to the attention of the Body, to discuss it. It was said to me that we shouldn't do anything about this because a task force was put into place in January of this year, that they were to be appointed by June or July of this year and report by December of this year. Now, it seems to me that is -- what -- what is good for the goose is good for the gander, and yet here we have legislation that is slid into something that is called the "good samaritan bill," when, in -- in effect, it puts a lot of people's jobs in jeopardy without having any full hearing on what happens to them and their families and their livelihood. For that reason alone, I think we should vote No on this bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Burzynski. Senator Fitzgerald.

SENATOR FITZGERALD:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of this legislation. I'm surprised that there are Members in this Body who feel that volunteers, people who are helping others for no personal returns for themselves, people who are good samaritans should get sued in the event that they happen to make an inadvertent mistake. I disagree with that. That's bad public policy. That decreases the availability of volunteers in this State. We need to encourage an atmosphere in which people are not afraid to help others, to take them to a hospital for emergency or other medical care. It's absurd that we allow people who are trying to help others get medical care get sued on -- on -- in the midst of doing that. I think this is a very good bill, and I would -- also point out that aside from the Good Samaritan Act in here, which makes good public policy sense, there's also language in here which would help the State locate deadbeat dads and help collect some child support for those families in which the deadbeat dads are hiding and shirking an obligation. And I would hope all of you would rise in support on getting tough on these deadbeat dads. So I think this is an excellent bill. There are a lot of good provisions in here, and I would urge a favorable vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. If someone is driving a motor vehicle and they negligently operate the motor vehicle and someone is severely injured as a result of that negligence - that inadvertent mistake - we have a system here where people get sued. That's pretty -- been around a long time. There are certainly limitations that have been placed on it recently, but we still have that. The fact that someone happens to be driving someone to a -- a health care facility, in my

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opinion, shouldn't make a -- a difference, because there's no evidence that we have a problem now with people not willing to be volunteering. "Well, I can't take you to the hospital because, you know, I might get in a car crash and make an inadvertent mistake, and then I'll get sued, and so I can't take you." There's no evidence of that. The good samaritan bills were initially set up to encourage professionals to assist in emergencies - professionals to assist in emergencies. If someone's on the road dying, a doctor doesn't want to help him because he'll get sued for malpractice, so we corrected that. We say in the law right now -- for that professional, they can assist in an emergency. It was expanded to cover free medical and dental clinics - a little bit more of a stretch, but we did that, too. But this is someone who is not a professional, and they're not involved in an emergency. And no matter what the rest of the bill does, no matter what other beneficial aspects of the bill might also be included, this was a terrible amendment. This is really getting greedy. And -- and we cannot just look upon these bills, you know, as one lobbying group averse another lobbying group. We have to read the bills and look and see what this really means. This is unbelievable. This is the type of thing where we pass a bill like this, and then there's a story a half year later and we all look back and say, "Why did we vote for that?" I'd urge a No vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

There are seven additional speakers who wish recognition. I would like to advise those who choose to speak, that if your point has been made already, let us not beat it to death. Just add any new information. Senator Parker.

SENATOR PARKER:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DeANGELIS)

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Sponsor says he will.

SENATOR PARKER:

If a volunteer is going along and transporting somebody and that volunteer is negligent that's driving the car and runs into a school bus, is that driver responsible for hitting that school bus and for the occupants in it?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Syverson.

SENATOR SYVERSON:

Absolutely. They are liable for them.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker.

SENATOR PARKER:

So they are responsible for the third party. That was my point. So you're -- you're verifying that fact.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Syverson.

SENATOR SYVERSON:

Yes. You know what? During committee, we were asked in -- in the committee and we held the bill because the -- the State Bar asked for three clarifications. They asked us to tighten up this language, which already passed the House. They asked us to tighten up the definition of volunteer, and we did. They asked us to -- to more strongly define what willful and misconduct is. We did. We also added the third party claims, adding no -- the no immunity for third party. So we tightened up the language in all three areas that they asked us to do, and that's -- that's the amendment that has -- has passed and we have before us today.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker.

SENATOR PARKER:

I would -- I'm rising in support of this bill. The Red Cross,

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United Way, Catholic Charities, the Jewish Federation, besides other people, are in favor of this bill and this particular amendment. There is a need for volunteers to be taking people, to transporting them to places where now they can't go. And as I understand it, part of the concern is, is when you're helping people even in and out of the car, there is such increased liability that there are -- that this would help with that, to encourage people just to take them for the -- for the ride. The other thing I think that you need to remember is that it is not just anybody who tries to transport somebody. It would have to be a volunteer who's providing transportation or assistance on behalf of an organized community program, providing those services without charge. Also, I think what you have to remember that, in addition in this bill, if you vote No, you are voting against a provision for deadbeat parents to try and help get child support; you are for voting against -- you are voting against a provision for certifying first aid for Heimlich maneuver, which would help in the day cares; you would be voting against a provision for the worldwide web for deadbeat dads; and also for actions to establish paternity of children. So, there are a lot of things involved in this bill. This bill would be going over to the House again. If there's further clarification, that could be done at that time. I would urge a favorable vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I move the -- the previous question.

PRESIDING OFFICER: (SENATOR DeANGELIS)

There are four speakers remaining. Senator Raica.

SENATOR RAICA:

Question to the sponsor, Mr. President.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR RAICA:

Senator Syverson, a couple of examples that were given was someone being transported to a -- or -- driven to a pharmacy. Is that under this provision?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Syverson.

SENATOR SYVERSON:

Yes, it is.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Raica

SENATOR RAICA:

Senator Fitzgerald gave examples of transporting individuals in case of an emergency or a medical problem. Is that in the amendment?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Syverson.

SENATOR SYVERSON:

Yes, it is.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Raica.

SENATOR RAICA:

Senator Syverson, under the Good Samaritan Act, are we basically protecting individuals with this new category of people that are going to be assisting people for -- at least in driving back and forth? But currently under the good samaritan provision, if someone does CPR or the Heimlich maneuver, they're protected, basically because they were attempting to save someone, and they were probably not trained in that but, more or less, came upon it. In other words, they weren't schooled on CPR, they weren't schooled on -- on the Heimlich maneuver, but they did the best

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possible job that they could to save this individual's life. Is that correct, under the Good Samaritan Act?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Syverson.

SENATOR SYVERSON:

I think in general you're correct, but I think under the CPR provision, you need to have completed a CPR course.

PRESIDING OFFICER: (SENATOR DeANGELIS)

*Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. To the bill: I would think that basically we're dealing with a bill, for the most part, who -- that has some good provisions; however, one particular provision is up for, at least, large debate by the general Membership of this Body. My fear is that we're attempting to allow civilians -- transport individuals that should be transported by medical personnel, especially when you use the term "emergency." And if we're going to transport somebody to a pharmacy, wouldn't it make more sense to just have the volunteer go to the pharmacy, pick up the medication, and give it back to the individual, than transporting everyone to the pharmacy? ...concern that I have regarding this, Senator Syverson, is that in conditions where there's emergencies -- right now there's a large abuse throughout the State of Illinois to use ambulances in either emergency situations or nonemergency situations. My fear would be -- my fear would be is that individuals would be transporting, as a volunteer, people to a health facility in cases of an emergency, where 9-1-1 should be called. If we're doing this as a volunteer measure, I think that the problem that I have with it or the concern that I have with it is that people who drive automobiles have passed a test from the Secretary of State's Office and are driving on the roads everyday, therefore have the experience of

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driving. But to put them in a situation where they put other occupants in that vehicle and transporting them to a health facility, and then saying if they make a mistake they're not liable, when right now if someone falls going into an ambulance, that provider can be sued for negligence. But, in good faith, if someone falls going out of a car getting into a hospital, they're not going -- or, they're not going to be sued. I think that's a bad situation to put anybody, in this State of Illinois. And although the underlying piece of legislation is very good, I have a hard time voting for this proposal.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. Seems to me we're kind of getting away from what in the world we're trying to do here. For years I belonged to a -- an organization connected with my church called FISH, and -- and what we did was, because, as -- as one of the Senators on the other side knows well, there is no mass transportation in my county to speak of, and when seniors needed a ride to the doctor, or they needed a ride to their dentist, or some other medical problem came up and they needed to go to the hospital for x-rays or some such thing, we were the ones that we were called upon to do that work. The problem that we've got nowadays is that there aren't that many volunteers out there and so we are finding and relying more and more on seniors to do this for seniors. A lot of our seniors, frankly, are scared about doing this kind of volunteer work just because of the fact that somewhere out there they hear that they may be in trouble because of the liability. It doesn't mean they're -- they're bad drivers or that they can't do this. They're just -- they don't want to take a chance. If we expect seniors and other volunteers to try and do this work, particularly in areas where this is the only

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way, the only transportation that's available to take care of some of our people that can't be taken care of any other way, then we ought to be voting for this bill. We are just putting one more obstacle in the way of volunteers. We cannot continue to afford paying for every single thing because somebody may sue somebody. I think this is a good idea. It's long overdue, and we ought to all vote for it.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Collins.

SENATOR COLLINS:

Thank you, and I apologize. I would like to ask a question of the sponsor if this question had been answered already, 'cause I -- I want to...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says -- sponsors say he...

SENATOR COLLINS:

I want to be sure I know, you know, what we're doing. I -- basically I support and encourage volunteerism also. So what you're trying to do is grant these volunteers in the case where as a good samaritan I'm taking some senior citizens to the doctor, and I'm doing it on a volunteer basis. So you're granting me some kind of a immunity from liability? Blanket the legislation? Are we -- do you have any requirements in -- in this bill where the person would sign something waiving their rights to -- to sue prior to that volunteer getting involved with -- with the person?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Syverson.

SENATOR SYVERSON:

If they have -- if they have the immunity, they won't need to sign any waiver. That was previously discussed, about why not have waiver forms, which is difficult to be uniform and to -- to work with.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Collins.

SENATOR COLLINS:

Well, it would have made more sense because what you're doing, you're just automatically imposing that immunity on everybody. It may be a situation where the volunteer could very easily choose, once they talk with the people that they're working with and attempting to help, "Am I immune from any liability if I take you to the hospital or if I do volunteer to work with you, to transport you to shopping or et cetera?" If that was the case then it could be done on a -- on a case-by-case basis where the person would sign this form - and guess what? - I don't think you'd have a problem there. But the other problem with this bill, what then happens if you grant -- if we blanket the immunity here or if it's done the way I just suggested and then our -- I'm driving a busload of senior citizens and I hit a busload of children, okay? I'm granted from immunity with -- with -- with the senior citizens, but am I liable for hitting the busload of children? So that the busload of children -- I mean, the seniors are all dead, but no liability. But the busload of children are okay, or vice versa, I'm not liable. Now, does that make any sense to you? I mean, something seems to be kind of wrong with that. So how do you deal with that third party?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Syverson, I think there's a question somewhere in that statement.

SENATOR SYVERSON:

I think I'm trying to understand that, too. That's the -- again, the purpose of the immunity is so we can increase volunteerism. When -- if you're driving a busload of seniors someplace, that's not covered. If you're taking them -- all of them at one time to the hospital or the doctor and in you're --

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and you're in an accident and you hit a busload of children, yes, the children have recourse, but, no, those seniors who all got into the van would not be.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Collins, please put your light on. Are you done?
Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the kind of legislation that if it passes will cause all of us some very sleepless nights, because down the road there are going to be some seniors that get into the van, they're on their way to a medical facility, the driver runs a red light, there is a serious accident, serious injuries to those seniors, and then the newspaper headline is: Seniors cannot recover for their injuries. And there'll be an expose that we passed this "sneaky" bill - sneaky bill - that prevents seniors from getting the same justice in the court system that every other person has. They're not given notice. They're not told that they can waive their -- their rights by signing a release in order to have that transportation. We're passing this sneaky bill to prevent seniors from having their rights. Ladies and Gentlemen, volunteerism is a wonderful thing, but along with volunteerism is the responsibility to act responsibly, and that's what our court system is all about. I suggest that we should not vote on -- for this bill, because you are preventing the people whose rights are being denied the knowledge of being denied their rights. They don't have their day in court. They have no right to being compensated for the injury caused by someone else's negligence. Don't vote for this bill, because it's going to sneak through and you'll have to explain why you voted Yes without telling those seniors that when they get into that van they're giving up their rights. This is the wrong way to approach the question of responsibility. I urge a No vote.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Last speaker is Senator Hawkinson.

SENATOR HAWKINSON:

Thank -- thank you, Mr. President. With all due respect to my -- my colleague, I don't think this is a sneaky bill. As a matter of fact, we've had more debate on this bill, I think, than any other bill on the Calendar. And I believe, sincerely, that Senator Syverson is well-intentioned on this bill. Most of this bill is -- is excellent. Even the provision that we're debating here today has been significantly tightened from the manner in which it came over from the House. It no longer involves any immunity for third parties, the example of the school bus. All that is out -- out of there. However, I'd like to look at this from the prospective of a volunteer for a minute. I'm a member of our diaconate board, a deacon at -- at my church, and -- and as Senator Fawell said, most of the members are -- are senior citizens who are helping other senior citizens. And they all have automobile liability insurance, as do I, as do all of us. I, for one, have not seen any deterrence to volunteerism because of a -- of a worry that if we negligently injure the people we're trying to help, that their bills will be paid by our insurance companies. Nor do I think, respectfully, that if we pass this bill, that any of us who volunteer are going to see our automobile rates go down. I don't think that's going to happen. But what I think is going to happen is that we're trying to help, in many cases, seniors helping other seniors get places. Not only do we take them to pharmacies, and to hospitals, and to doctors, but we take them to the grocery store, we take them to visit friends, we take them to church events. Really there's no difference in any of those volunteer activities. And the next year's bill, I'm sure, if this one passes, will be to immunize we volunteers when we take them to church, or to the church supper, or to the grocery store, or

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anything else. But let's look at the unintended consequences of what we might do if we pass this legislation. The example is this - and I don't think it has anything to do with the court system: If -- if I'm driving, as a volunteer, a senior citizen to the clinic, and I negligently or inadvertently run a stop sign and I am broadsided by somebody else, and that person I'm trying to help is injured, what will happen? My insurance company will deny the claim based on this legislation, because I wasn't willful and wanton. I was negligent. I made a mistake that hurt somebody else. And if that happens, my insurance company will deny the claim and will prevail if there is a suit. So what happens? That person I was trying to help I have now hurt. We have negligently now hurt somebody whose bills are not going to be paid by the insurance company. What's going to happen to many of these volunteers? We're going to realize we hurt somebody, or a senior with limited resources is going to realize "I hurt somebody by my mistake." In many cases, that senior with limited resources is going to feel, out of the same compassion that led them to volunteer, to pay for those medical expenses out of their own pocket instead of out of the insurance that they have paid premiums to cover. I think that the unintended consequence here is that -- that some innocent person that we're trying to help is going to be hurt. They're not going to get their bills paid, and I don't think that's what we really want to do.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Syverson, to close.

SENATOR SYVERSON:

Thank you. Just to answer a -- a couple of the questions. First, on -- on Senator Raica's concern, this does not address just emergency situations. We talk about abusing of -- of ambulances in Chicago. This is exactly the reason this legislation is needed. People are -- at least in the Chicago

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areas, are -- are -- are abusing ambulances 'cause there's no other way for them to get, for nonemergency reasons, to doctors and clinics. In southern Illinois, in rural areas, I've got pockets of my area where there's not mass transit, where many of these individuals cannot get to the doctor's office, or to the pharmacy, or the clinic. Senator Berman, we could look at headlines. I can see the headlines now of individuals who die at home because they don't have any way to get to the doctor's office, or they don't get the medication they need because they have no way to get to the pharmacies. This -- as we -- we have a -- there's a growing population, a growing -- older population in this State. In fact, the numbers are, in the next ten years we'll have over a hundred thousand net increase of those over the age of eighty-five. If we don't have increased volunteerism, who is going to be paying for transporting these individuals back and forth for health care facilities? St. John's Hospital right here in Springfield has to pay taxis to bring people into the clinics, so don't tell me that we have got more than enough volunteers to take care of the needs that are in this -- this bill. As was mentioned earlier, this bill is supported by those organizations who are trying to get volunteers: the Red Cross, the Jewish Federation, United Way, Catholic Charities. The bill also, as we talked about, has a number of other measures in it which are extremely important - when it comes to collecting on the deadbeat dads, the worldwide web, the health care background check. And I do need to read in for legislative intent that it is not the intent of this legislation to require background checks of -- of personal attendants in the community-based services program of DORS or of homemakers in the community-based services program of the Department of Aging. With that, I would just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

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The question is, shall House Bill 2691 pass. Those in favor will vote Aye. The opposed will vote Nay. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 23 Ayes, 29 Nays, 5 voting Present. House Bill 2691, having failed to receive the required constitutional majority, is declared failed.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR DeANGELIS)

House Bill 2695. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2695.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 2695 creates a new Act, which is called the Bond Ordinance Hearing Act. What it does is it requires that any governmental unit which proposes to sell a non-referendum bond should, at least, have a public hearing and have a notice of that public hearing so that the taxpayers would have an opportunity to, at least, discuss the merits of it. It does ask that that governing body has to wait for seven days to digest and -- and answer the concerns before they can do the selling of the bonds.

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In order to take care of some of the questions that the Illinois Municipal League has, we have exemptions for permitting the refund -- sale of refunding bonds that were used for the Life Safety Code. We also added provisions under Amendment No. 1 that -- we specified the form of the public notice. We allow the local government, at the request of the Municipal League and other taxing districts, that on emergency situation, that by a three-fifths vote, they could declare such bonds to be issued with -- and be exempt from the Act. And to answer the concerns of the Chicago Board of Education, we have an amendment that -- allows them to certify to the State Board when they have work for their capital improvements for health and life safety. Amendment No. 2 that we added was a technical amendment that the Illinois Municipal League had asked for. I know of no opposition. The Taxpayers' Federation, the Illinois Farm Bureau and Association of Realtors. And I think we've answered all the concerns of everyone. I'll answer any questions, but I do ask for your support.

PRESIDING OFFICER: (SENATOR DeANGELIS)

For -- for what reason does Senator Bomke seek recognition?

SENATOR BOMKE:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point, Senator.

SENATOR BOMKE:

We'd like to recognize in the President's Gallery, from Springfield, Trinity Lutheran School. Please stand.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Will our guests in the gallery please stand? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. I rise in support of this legislation. When it was initially proposed, some Members on our

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side had some problems with it, and I commend the -- the sponsor and our chairman for working out those problems and getting -- getting it going and putting in the right language. Thank you, again. And I ask everyone to vote Aye with me.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 2695 pass. Those in favor will vote Aye. The opposed will vote Nay. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, none voting Nay, none voting Present. House Bill 2695, having received the required constitutional majority, is declared passed. House Bill 2702. Senator Syverson. Senator Syverson? Take it out of the record, Madam Secretary. House Bill 2737. Senator Watson, do you wish this returned to 2nd Reading for the purpose of an amendment? Senator Watson seeks leave of the Body to return Senate {sic} Bill 2737 for the purposes of tabling an amendment. Hearing -- no objection, leave is granted. On the Order of 2nd Reading is House Bill 2737. Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. You're exactly correct. I'd like to make a motion that we table Amendment No. 1 to House Bill 2737. We put -- we put Amendment No. 2 on the bill yesterday, and this now will become the language of the legislation.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Watson moves that Amendment No. 1 be tabled. All those in favor, say Aye. Opposed, say No. Senator Peterson.

SENATOR PETERSON:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will.

SENATOR PETERSON:

Senator Watson, a quick question. Isn't the language in this

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bill, now that you've tabled the -- the amendment, designed merely to give Ameritech or any other potential cable provider a chance to get a better franchise deal than the incumbent cable company?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Watson. But I believe, Senator Peterson, we're on the motion of tabling the -- the amendment. He hasn't tried for the second one. Senator Watson has moved that Amendment No. 1 be tabled. All those in favor, say Aye. The opposed, say No. The Ayes have it. Any further Floor amendments?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DeANGELIS)

3rd Reading. House Bill 2927. Senator Klemm have leave to handle this bill? Leave is granted. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2927.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

Mr. President, I wonder if I could have leave of the Senate to maybe come back to this. We still have a few questions before we proceed. And if I have the assurance we'd have a hearing on this today, I'd like to hold it.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Is leave granted? Hearing no objection, leave is granted. Senate -- House Bill 3048. Senator Dillard. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 3048.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill makes a number of significant changes, the most important of which calls for the co-location of minors and puts a thirty-six hour provision in the law where a minor can be housed in a -- in a -- in an adult, so to speak, facility or -- or correctional facility. It also -- it also calls for the revocation of good conduct credit for frivolous lawsuits filed by prisoners. And additionally, it -- it makes a change saying that -- in the Statutes for escaping and aiding the escape of persons who have violated parole or probation. That is tightened up as well. So the bill does three things, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Question is, shall House Bill -- excuse me. Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. Just a quick question of the Senator, the sponsor.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR PALMER:

Senator Dillard, in my analysis, it says that your proposal about juveniles will end up losing federal dollars. Is that correct?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard.

SENATOR DILLARD:

Senator Palmer, that is no longer true. The bill originally

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said seven days we could have juveniles and adults in the same facility. We might have lost federal funds under that. But with my thirty-six hour amendment, Amendment No. 3, we'll no longer jeopardize federal funding.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 3048 pass. Those in favor, vote Aye. The opposed, vote Nay. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, 1 voting Nay, none voting Present. House Bill 3048, having received the required constitutional majority, is declared passed. House Bill 3128. Senator Butler. Read the bill, Madam Secretary. Oh. The Chair asks leave to return to Senate {sic} Bill 3057, which it had inadvertently skipped. Senator Klemm. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 3057.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President, and thank you for coming back to the bill you skipped. I appreciate that. House Bill 3057 is a -- from the initiative of the Illinois Association of Park Districts. It requires that the park district's annexation ordinances be filed only in the county where annexation takes place. It also asks the -- permits the park districts to enforce all personnel code and criminal provisions of the park district on any of their lands located outside the district's boundaries. It also adds for a period of -- not to exceed ninety-nine years the -- allowing the park districts to lease property to nonprofit organizations

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provided that that use of that property is for public parks and recreation purposes. It also limits the authority of property that can be leased by parks, not to be for a period of more than fifty years if it's not used for park purposes. Provision in Amendment No. 1 was added, at the request of Senator Watson and Senator Clayborne, to add a provision for a park district that wishes to have some support and help down in their areas, and it limits it for their park district to be able to sell property to a not-for-profit corporation, upon the condition that that park district is used for recreational programs for youth. We've also added a reentry clause and a reversion clause in case those individuals -- or the nonprofit organization does not use or continue to use it for that purposes. I know of no opposition to the bill, and I ask for your support, and would answer any of your questions.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Clayborne.

SENATOR CLAYBORNE:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point.

SENATOR CLAYBORNE:

On the last bill, 3048, my button was inadvertently hit on No. I would have voted Yes, in favor of that bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The record will so indicate.

SENATOR CLAYBORNE:

And... I -- as to Senator Klemm's bill, I rise in support of this bill. This bill was passed out of here, I think, the early -- the early part of this Session. And as it relates to my district, what it does is allows the park in my district that's

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not being utilized to transfer land, lease or sell land over to a not-for-profit. And this not-for-profit is going to build a fifteen-million-dollar recreational center, and the land will only be used for recreational purposes. And it has a reverter clause in it, that if it's not used for recreational purposes, then the land goes back to the park district. This is a -- a prime example of -- how private industry and government can work together for the betterment of the youth. And I -- I urge a favorable vote on this -- on this bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Trotter.

SENATOR TROTTER:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will.

SENATOR TROTTER:

Yes. Senator Klemm, there was one provision that we spoke about briefly before, and that was about the park districts. This -- one of the provisions limits the -- the activities of the park district police. Is there a reason why you added this language to this bill?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

Well, it -- it -- it does and it doesn't. It doesn't limit the use of park district police for park district purposes, as you know. It continues that, and that's the reason park district police were created, to -- to have additional personnel to protect the safety of those using their facilities and protect the equipment and the property of the park district. What we've had then is also, in the bill, allowing them to pursue, if they need to, off the park district property in -- in chasing a crook or a

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criminal. Okay? We have allowed in the bill that if they wish to have additional police powers outside of the park district itself - out in the -- the county or the municipal - that they can by an intergovernmental cooperation agreement. I'll give you an example why. We have a community in Illinois that has about twenty-five, thirty thousand people. They have a hundred and twenty-five part-time park district police officers. I mean, that's pretty big. The police department itself in that city only has about forty or fifty. So it's determined that what do you need all that for? To protect the county? It's not really their role. We've also added that they have to have police training, which you and I worked on last year of having proper training for them. So I think what we've done is put the safeguards that the proper police departments will be working there, but they can still work together if they need to protect the area surrounding, let's say, a park. If there's an activity going on that's going to be like a concert and they need to patrol the streets, they can do that now with the sheriff, the -- the city police chief, working in concert. And I think this would answer your problems and your concerns.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Question is, shall House Bill 3057 pass. Those in favor, vote Aye. The opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, none voting Nay. House Bill 3057, having received the required constitutional majority, is declared passed. Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned: Referred to the Appropriations Committee - Senate Amendment No. 1 to House Bill 1014; referred to the Executive Committee - Senate

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Amendment 5 to House Bill 545, Senate Amendment No. 3 to House Bill 3128, and Senate Amendment No. 1 to House Bill 3204; referred to the Judiciary Committee - Motion to Concur with House Amendments 1 and 2 to Senate Bill 1467; referred to Local Government and Elections Committee - Motion to Concur with House Amendment No. 1 Senate Bill 67; and Be Approved for Consideration - Senate Amendment No. 1 to House Bill 3694.

PRESIDING OFFICER: (SENATOR DeANGELIS)

For what purpose does Senator Karpziel seek recognition?

SENATOR KARPIEL:

For the purpose of an announcement, Mr. President. I would like to announce an Executive Committee meeting in exactly one hour, in Room 212. Please be there promptly at 1 o'clock, Room 212.

PRESIDING OFFICER: (SENATOR DeANGELIS)

For what -- for what purpose does Senator Donahue seek recognition?

SENATOR DONAHUE:

For purposes of an announcement.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your announcement.

SENATOR DONAHUE:

I would like to announce an Appropriations hearing - an Appropriations hearing - at 1 o'clock, in Room 400. Appropriations, 1 o'clock, Room 400.

PRESIDING OFFICER: (SENATOR DeANGELIS)

House Bill 3128. Yes, Senator Donahue. Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. Sorry. My light was on. It wasn't going to work. Immediately, in Senator Pate Philip's Office, we will have a Republican Caucus. Now.

PRESIDING OFFICER: (SENATOR DeANGELIS)

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Republican Caucus in Senator Philip's Office. How long would you say the -- the caucus is, Senator Donahue? We will recess till the call of the Chair. Well -- Senator -- Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. What I really wanted to know, and I guess the Members on this side would like to know, so we can -- so, you know, adjust our schedules, as to approximately how long will you take for you to get Dudycz in line in the caucus?

PRESIDING OFFICER: (SENATOR DeANGELIS)

I will tell you that the committee meetings meet at 1, so why don't we just turn around and run the caucus to the committee meetings, have the committee meetings, and return after the meetings are over? At the call of the Chair.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

Senate will be in order. Committee Reports.

SECRETARY HARRY:

Senator Rauschenberger, Chair of the Committee on Appropriations, reports Senate Amendment 2 to House Bill 1014 Be Adopted.

And Senator Karpel, Chair of the Committee on Executive, reports Senate Amendment 5 to House Bill 545, Senate Amendment 3 to House Bill 3128, and Senate Amendment 1 to House Bill 3204 all Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

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Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. McLennand, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 1260,

together with the following amendment, which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment No. 1 to Senate Bill 1260.

Passed the House, as amended, May 16th, 1996.

We have another Message on House Bill 3436 with Amendments 1, 2, 3 and 5. I am further directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of Amendment No. 4.

Action taken by the House, May 16th, 1996.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler, do you wish to bring House Bill 3128 back to the Order of 2nd Reading for the purpose of an amendment? Senator Butler seeks leave of the Body to return House Bill 3126 {sic} 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 House Bill 3128. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Butler

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler, to explain the amendment.

SENATOR BUTLER:

Thank you very much, Mr. President. The -- this bill -- the basic bill concerns collateral protection insurance. That is the

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insurance taken out when the lender loans money against collateral. The lender requires the borrower, in almost all cases, to maintain adequate insurance to protect the collateral. A good example is when you purchase a car and borrow the money, the collision and theft coverage on an automobile is always required. If the borrower does not maintain insurance, the lender can buy CPI coverage, as it's called. It would be limited to the amount of loan, of course, and the cost is added to the loan expense. This is a very common event. It's done every day. What this basic bill does is to add to consumer protections. Amendment No. 2 does five principal things. First of all, it -- it changes the definition of collateral protection insurance so that it conforms to the Truth -- the federal Truth-in-Lending Act. This would be -- ensure that all State and federal disclosure requirements are met. The second thing it does is it establishes a format for a standard notification which must be sent to the -- to the borrower, giving him the details of the -- of the transaction -- or, of the purchase, rather. Third, it must -- it requires the debtor to show evidence within thirty days that the debtor has taken out insurance. If the -- if the insurance is -- is taken out by the -- by the lender and -- and the -- and the insurance is cancelled by -- through the purchase by the lender, any charges incurred will -- will not be assessed to the debtor; that is, the lender cannot charge the borrower for charges. Let's see, the third {sic} is, the unearned premiums shall not be calculated by the Rule of 78ths method. And finally, it changes the credit -- when this kicks in to July 1, 1997, so that all parties will have a chance to make good preparations.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. -- thank you, Mr. President. A question of the

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sponsor, if I might.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR CARROLL:

Senator Butler, just in general, if a lender, even a nonbank - you know, a car dealer, a finance company of some kind, a -- a furniture dealer - decides under the contract that they have to buy this collateral insurance and they buy a four-year policy, can they, even though they don't pay for it themselves all at once - in other words, they're going to pay the premiums monthly or annually - can they, under your bill as now amended, charge the debtor -- I'm sorry, the creditor the full four years' charges, even though they have not yet paid them out?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler.

SENATOR BUTLER:

As I understand it, Senator, this is amortized over the life of the loan.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Carroll.

SENATOR BUTLER:

Oh! I'm -- I'm sorry. No. I'm sorry.

PRESIDING OFFICER: (SENATOR WEAVER)

Excuse me, Senator Butler.

SENATOR BUTLER:

It requires full payment within thirty days.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Carroll.

SENATOR CARROLL:

I'm sorry, Senator Butler. Let me say it maybe a little clearer. After the thirty-day notice -- let's say they correctly sent out the thirty-day notice and say, "You are required to have

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insurance; you didn't send us proof; we're going out and buying a four-year policy." And they buy the four-year policy; thirty days has gone buy. There's no question that the original borrower owes for that policy. My question is -- I was concerned about the language that the borrower may actually owe more than the lender paid out. So if the lender acquired for that collateral a four-year policy, but only paid the first month's premium, can they charge the borrower all four years' premium and get interest on that, even though the lender has not spent the money yet? And I think that's a basic and glaring defect, at least in what I saw.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler.

SENATOR BUTLER:

Well, there -- there are three options to this, as you know. You can have full payment with thirty days, or you can have a final balloon payment within thirty days after the last scheduled payment, or you can have, as I stated before, full amortization over the term of the credit. May I -- say your question again. I'm sorry. I may not -- understand...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Carroll.

SENATOR CARROLL:

I'll try once more, Senator Butler. I know it's a little bit complicated. I guess basically the question is: Is there the ability here for the lender to charge the borrower more than the lender is paying? So that if the lender, under the contract, says "I'm buying a four-year policy," but the lender is going to pay for it monthly or quarterly or something like that, can the lender, under the way the bill is drafted with this amendment, still charge the borrower's account the full four years of premium and earn interest on that for the rest of the loan, even though the lender hasn't paid out anywhere near that kind of money? So

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they buy a ten-thousand-dollar policy, twenty-five hundred dollars a year; they pay two hundred dollars -- the lender pays two hundred dollars for the first month, but charges the borrower ten thousand dollars, and then charges interest on top of that. And I believe, under the amendment, Senator Butler, that that would be allowable and that's my question: Is that or is that not allowable?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler.

SENATOR BUTLER:

I think it's theoretically possible, but highly unlikely. The only answer I can give you: It's theoretically possible.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator -- any further discussion? Senator Collins. Did you have discussion, Senator Collins? Turn off your light...

SENATOR COLLINS:

It's my understanding that this is not the -- the amendment that we just voted on in the Exec Committee. So I had the same concerns, but that's fine.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? If not, Senator Butler moves the adoption of Floor Amendment No. 2 to House Bill 3128. All in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. Amendment No. 3 is just a slight refinement on Senator Butler's previous amendment dealing with the notice provisions that would be given to a borrower. It

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simply provides that in addition to notice going to the borrower himself or herself, that such notice would also go to any cosigner or guarantor on the borrower's debt. And -- and I move its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Mr. President, I'm just -- I'm just trying to follow along the debate and I don't have this amendment in the computer. I'm just wondering if there is a hard copy available. Was the amendment distributed?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I -- I assume it must have been distributed. I see one here on my desk and it wasn't anything I had in my own possession.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? If not, Senator Barkhausen moves the adoption of Floor Amendment No. 3 to House Bill 3128. All in favor, signify by saying Aye. Opposed, Nay. The Ayes have it, and the -- the amendment is adopted. Are there further amendments?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Dillard, on 3309? Read the bill, Mr. Secretary. Excuse me. I skipped over 3204. Senator O'Malley, you wish 3204 called? Senator O'Malley wishes to return to 2nd Reading, for the purpose of an amendment, House Bill 3204. Is there leave? Leave is granted. On the Order of 2nd Reading is House Bill 3204. Mr. Secretary, are there any Floor amendments approved for consideration?

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SECRETARY HARRY:

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

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Amendment No. 1 to 3204 is the map that is required pursuant to the provisions of House Bill 1465 from last year that directed the General Assembly to draw a map for -- electoral districts for the newly formed Board of Review in Cook County, which will be elected in the 1998 fall election.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and Members of the Senate. I rise in -- in opposition to this amendment. It just came through our committee. As you recall, we did -- they did pass legislation here calling for the creation of three districts in Cook County; however, I'm sure it was the intent of this Body to minimize the cost of litigations of all of the maps that -- that -- that seem to always end up in court, no matter how hard we try. But in this instance, there really has not been a real effort put forth to try and minimize the possibility of this map going into the courts. And let me just tell you why. There are people out there who we all know always - always - participates in the drawing of maps that affect their districts, and especially when you're talking about Cook County. We have the Urban League out there. We have MALDEF from the -- from the Latino community. We have other groups; coalitions put together for the specific purpose of participating in drawing maps that affect congressional districts, senatorial districts, ward districts, and et cetera. This map was put on -- this amendment was given to us, and I'm the Minority Spokesperson in that committee and Senator Jones, who is the

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Minority Leader over here, sits on that committee, as well as the other leadership, and none of us had an opportunity to even see this map until this map was drawn. And -- and the sponsor couldn't even tell us who drew the map. He's going to give us some names a little later, to tell us who gave the map, what kind of statistical data that was used to come up with the figures. All of these things were said in the committee. We don't know; he doesn't know. But yet, he's asking us to vote on the map that we are obligated to do by the -- by the laws that we passed here ourselves, and it's going to end up in court simply because it will not meet the constitutional test and there has not been a concerted effort to ensure that it does. And for that reason, I think we should vote down this amendment, and we should wait until the fall and have -- so that the public can have an opportunity to have some input and have public hearings on this map and that we can minimize the possibility of us going into court and save the taxpayers some money.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR PALMER:

Senator O'Malley, since I'm not on the Executive Committee, I'll ask the question: Who drew this map, and who made these decisions?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

It was drawn with the assistance of some staff people, with consultation with attorneys to make sure that it was drawn

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properly.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

To the bill: There's an interesting dynamic in this room. Something this important comes up and the level of chit and chat does not go down, which suggests that whatever little agreements were made have already been made. And we're here -- you are looking at the entire area of Chicago, the collar counties, south suburbs, western, so forth, and yet no one is commenting on the fact that a small group of people can sit down together and draw a map to the exclusion of most of the people in this room. It's extraordinary, but sometimes you wonder why you bother to get up and comment on such a thing; but, be that as it may, I continue to do so. And once again - and we've been down this road every time there has been a decision to make - the arrogance of power, and it's extraordinary, but here we are again, and we would hope that we would vote No just for the sake of that old-fashioned word "democracy."

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. Senator O'Malley, the computer people tell me that the analysis of this bill hasn't even yet been put into the computer, which is kind of a comment on how quickly this thing has been whipped upon us. I'm not on the committee and so I wasn't even -- didn't have the benefit of the testimony. All I have is a -- a -- what appears to be a -- a copy of a -- of a map and some statistics with regard to the breakdown of white, black, Asian, Indian, other, and Hispanic, and the townships. Could you tell me what the -- in the three maps, what is the political breakdown between

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Cullerton, thank you for the question. I haven't looked -- I honestly haven't looked at the political breakdown. But what I have looked at is, the primary interest that I had, being primarily a suburban legislator, was to achieve the purposes that I think represents the overwhelming desire of people not only in suburban Cook County, but throughout Cook County, that there be allowed into the assessment appeals process in Cook County a third member, with that third member hopefully representing suburban interests. I believe this map achieves that purpose, and that's why I feel confident about it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Well, in looking at the map, I think you've achieved the goal that you just stated of having a -- a suburban member. And I think -- and if we look at the breakdown of the -- the racial breakdown, we have a district that is sixty-six percent African-American and 6.2 percent Hispanic. So that might achieve another goal. But I want you to tell me, honestly, what is the political breakdown of these three districts. And I know that you wouldn't want to say that you have no idea what the political breakdown is. These computers that print this, as we did with our redistricting, they have the U of I totals; there's a percentage you can give me for each one of these maps. I just want to know what the percentage is. And I know that you want -- this is an important matter, and -- and if -- now, if you don't want to answer it, you could say, "I don't want to answer it." But I would appreciate it if you -- if you could answer it.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Cullerton, I think you know the lay of the land in Cook County as well as just about anybody in the Chamber. As Senator -- or one of the Senators in the Executive Committee mentioned, from your side of the aisle, in committee, a blind man could understand this map. But let me suggest to you that it is obvious to me that, yes, there will be a suburban representative, and the City of Chicago will have tremendous influence about the outcome in the other two districts. Whether they be Republican or Democrat in any one of those districts depends on who the candidates are, how they wage their campaign, and whether they get out and -- get the vote out on election day. But, you know, it is clear to me that a suburban district would tend to be in favor of Republicans by its very nature. But that's all I could really comment in response to your question.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Well, I'm -- I'm -- you know, the problem is that I haven't had a chance to look... All I have is this -- this thing. You can barely tell what's in the City and what's out of the City. It's -- there's a -- there's a map that seems to have some kind of a -- of a hook that comes down into the City. There's a district that appears to be the north suburbs and then it kind of hooks down into the City. I can't tell what part is in my district, what part is out of my district. I can tell you, there's out -- on the northwest side of Chicago, it looks to me that there's going to be three people who live next to each other - three neighbors living next to each other - that have to go to three -- that are in three separate districts, that it will be on one

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block, because you seem to have cut across a whole bunch of -- of boundaries. You've cut across municipal boundaries, township boundaries. And I specifically want to ask you -- and I'm not sure what number, 'cause there's no numbers on this map that I have here. I don't know what number is the one that's the north suburbs that comes down into the City, but I know that you know this. I know that you have a number, or somebody sitting next to you has a number, as to what is the U of I total - what's the U of I count - on that particular map. That's my specific question. When -- in the -- you took the last U of I election, there's a percentage of people that voted Democratic, a percentage that voted Republican. That's how we drew our maps. You know that; I know that. I -- that's how you drew this map. I just want to know what that number is. Remember now, think back to when you were in the hospital, you're laying on your bed. This is -- your life flashed in front of you. This is really important. Just want to know the number.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton, I think he said that he could not answer that question. Now, are you asking a second time? Senator O'Malley.

SENATOR O'MALLEY:

The -- with all due respect to Senator Cullerton, I leaned over to my seatmate, Senator Mahar, who happens to be our good friend, told me that he does not know the answer to your question either.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I have questions for the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

Indicates he will yield.

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SENATOR DEL VALLE:

Senator O'Malley, I have requested a fiscal note on this amendment. Has the fiscal note been filed?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle, the tradition and custom of this Body has always permitted the sponsor to go forth with the bill on a deadline day. We have requested a fiscal note and hopefully we will have it before the day is over. Any questions? Senator Jones. Senator del Valle.

SENATOR DEL VALLE:

Mr. President, I said I had a few questions, if I may proceed. Senator, in committee we talked about the districts, the three districts, and I pointed out that there are towns like Cicero where the Hispanic population is fractured, and that we have a number of -- of areas where there is Hispanic concentration that have been put into different districts. I have to ask you: Do you think that this map will withstand a challenge under the Voting Rights Act?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Absolutely. I -- I know that we've consulted with attorneys to make sure that we took that into consideration. In fact, District 2 that -- that is -- is included in the -- you know, within the provisions of this legislation has made every effort that -- that could be made legally to make sure that Hispanic populations, which -- are distributed throughout the City and other areas, were concentrated into District 2.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? Senator del Valle.

SENATOR DEL VALLE:

Senator, given that the legislation that required the drawing

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of -- of -- of this map by the Illinois General Assembly was -- was passed quite -- quite a long time ago, why did -- why did we wait till the last minute, the eleventh hour, to put forth a map, and why didn't we give an opportunity for the groups that have been involved in putting together maps and participated in hearings, as we have done many times over the last twenty years, why didn't we afford those groups like MALDEF and the Urban League and other groups that have been involved in -- in helping to draw maps to ensure that the voting rights of minorities are protected? Why didn't we do that? Why did you wait till just a couple of hours ago to show us this map and then have the map presented in the Executive Committee twenty minutes ago and then have the map brought to the Floor for a vote?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Senator del Valle, thank you for the question. It's similar to a question that you answered {sic} in the -- in the Executive Committee, if not identical. Senator, I don't recall the date that this bill originally went through the Executive {sic} (Revenue) Committee - the exact date - but it was well over a month ago, and, frankly, anybody who has approached me to discuss this subject matter has not had my ear turned away from them. I have not heard from you. Had I heard from you, I'd have been happy to discuss it with you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Donahue. Senator Donahue...

SENATOR DONAHUE:

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

PRESIDING OFFICER: (SENATOR WEAVER)

State your point.

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SENATOR DONAHUE:

I truly hate to interrupt our debate on this important bill, but I have some very important ladies in the gallery behind the Republican side of the aisle. Many of you might have seen them on television in the last few months on the Tonight Show and Today Show. But in the gallery are the Beardstown Investment Club, and I'd like to have them welcomed by the Senate.

PRESIDING OFFICER: (SENATOR WEAVER)

Will our guests please rise and be welcomed by the Senate? Senator Jones. Further discussion? Senator Jones.

SENATOR JONES:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR JONES:

Senator O'Malley, I'll ask this question more direct, which I asked you in the committee: The political statistic data that was used in this map, could you identify where that information came from?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Senator -- Senator Jones, this map, the census data that you're referring to is all a matter of public record. It's contained in the actual body of the amendment - Amendment No. 1. As far as the political data coming from, I am not sure specifically what you're referring to. Again, as I mentioned to you in -- in committee and as I've said previously on the -- on the Floor here today, my overriding interest in looking at this map was does it achieve substantially what the purposes of the -- the legislation from last year was intended to achieve. And I believe it is, and I think we have a good solid map here that will

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do the job it was intended to do.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR JONES:

Senator O'Malley -- O'Malley, you meandered around, and so perhaps you don't know, but perhaps the gentleman sitting next to you on the Floor. Could you tell us who that is? And perhaps he could give you the answer to it. The gentleman sitting right next to you, could you tell who he is? Senator O'Malley.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he doesn't know him. Senator Jones.

SENATOR JONES:

Well, in -- in response to Senator Cullerton's question, I thought perhaps he said, I know that you had this new life, and you have seen the light again, and perhaps you have recognized this individual. So, I mean, I know he's sitting there consulting you, and could you ask him to tell you, since you don't know: What political statistics was used in the development of this map? Will you do that for the Body so that not only this side but your side can also be enlightened as to this piece of legislation?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Jones, again, I appreciate your question, and I'll answer as many questions as you want to ask this afternoon. The bottom line is, again, that I believe this -- this -- this map that's embodied in Amendment No. 1 to House Bill 3204 accomplishes the purpose of the legislation that was provided for in House Bill 1465, that we passed last year.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR JONES:

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Senator O'Malley, so since this map is part of -- is all of Cook County and Cook County is a home rule unit, so therefore it would require an extraordinary number of votes to pass, because you're dealing with county boards, and the -- and the Constitution actually referenced county boards. So this is the Board of Tax Appeal within Cook County, which is the County Board. So therefore, since you won't give us this information and everything, did you receive any input from that home rule unit?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Senator Jones. My answer at this point would be similar to one of the answers I gave to Senator del Valle, namely, that this legislation, House Bill 3204, went through the Executive -- I'm sorry, the Revenue Committee some time ago. I have been available since that time until today to respond to any questions and inquiries that may come from any Member of the Chamber, or frankly elsewhere, and I haven't turned my ear away from anybody. That's what I mentioned earlier, and I have not heard from either you or Senator del Valle previously concerning this subject.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR JONES:

Well, since you have suffered a memory lapse since you've been back to the General Assembly, we're all glad to see you return to the General Assembly. But, Mr. President, you know, in light of this does impact on home rule units and it would seem that it'd require, in my opinion, an extraordinary vote, so I wish you would state to the Body the number of votes required to pass this piece of legislation.

PRESIDING OFFICER: (SENATOR WEAVER)

The Chair would rule, Senator Jones, it takes thirty votes.

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We are dealing with the Election Code, as I understand it, and not the Counties Code. Senator Jones.

SENATOR JONES:

Well, parliamentary inquiry. You may be dealing with the Election Code, but also -- but you are dealing with the County of Cook, which is a home rule unit, and so -- as -- as is spelled out -- spelled out in the Constitution. So -- so -- so will you cite for me, Mr. President, the basis of your ruling, since this is all incorporated in Cook County and Cook County is a home rule unit?

PRESIDING OFFICER: (SENATOR WEAVER)

Well, Senator Jones, this does not preempt home rule, and so it would require thirty votes. Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President, and I apologize for rising a second time. But, Senator O'Malley, you said this came through the Revenue Committee. This map did not come through the Revenue Committee. These decisions did not come through the Revenue Committee. And I would like to ask you -- as -- as I recall, there were decisions made that the court ruled against and, in fact, ruled that those occupying certain positions had to stay in those positions until their terms were up. So to say that we had an opportunity to discuss this, I think is inaccurate.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator O'Malley, to close.

SENATOR O'MALLEY:

Mr. President, thank you very much. I think we've thoroughly discussed this, and -- based on the questions that have been asked and -- and answered here on the Floor today. So rather than belabor it anymore, I would just ask for the support of the Body to have this amendment added -- Amendment No. 1 added to House Bill 3204.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator O'Malley moves the adoption of Floor Amendment No. -- No. 1 to House Bill 3204. There's been a request for a roll call. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 25, none voting Present. Floor Amendment No. 1 is adopted. Are there further amendments, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Dillard, on 3309? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3309.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dillard. Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3309 contains three major provisions. The first is to allow the Bolingbrook Medical Center to do what it used to do, and that's be a freestanding emergency clinic and accept basic life-support ambulance runs in that ever-growing, fastly increasing-in-population, community. The second provision adds a hundred-dollar additional fine to certain weapons and drug offenses with the money collected being deposited into Trauma Center Funds, and wherever the money is collected, it stays geographically with that particular trauma unit or trauma center. And the last creates and corrects a -- a glitch, I guess, in the Illinois Health Facilities Planning Act, which requires Health Facility Planning Board to automatically deny all permits or

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exemptions to expand psychiatric beds in Illinois. I want to point out that one would still have to go through the Health Facilities Planning Board to have new psychiatric beds or expanded psychiatric beds approved, but this takes out the absolute prohibition wherever there has been declared a surplus. I'd be happy to answer any questions. And again, this bill has three different provisions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. Chairman and Ladies and Gentlemen of the Senate. I want to join my colleague, Senator Dillard, in asking you for your vote. I'm saying to those of -- on this side of the aisle, this is going to help us financially with our trauma centers and this is sorely needed. So I'm asking that we all give him a Yes vote on this piece of legislation. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. I rise in support of this bill. This bill tracks back, to some extent, to the work I was trying to do in helping the Health Facilities Planning Board embrace the emerging future of medical care. I think this is a good bill, and we're certainly happy to see this go forward. But I would point out that unless we help the Health Facilities Planning Board understand the new realities, we may have to continue to do bills, and that's why I appreciate the help from the Public Health Committee and the -- the amendments we moved earlier. I urge a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR JONES:

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Thank you, Mr. President. I intend to support this piece of legislation, but I also want to state for the record that I do have a conflict of interest and I -- but I will be voting my conscience.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would.

SENATOR JACOBS:

Senator Dillard, I have no qualms with this bill either, except, as I understand it, and maybe it's been taken care of in one of the amendments, that the duration of the demonstration project is not -- does not have a closing date. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dillard.

SENATOR DILLARD:

Senator Jacobs, it was taken care of in Amendment No. 1. There is a closure, or a finality date.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I, too, may have a conflict of interest because I am a member of a hospital board and I want to declare it, but I will vote my conscience.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I, too, serve on a hospital board

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and I will also vote my conscience.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall House Bill 3309 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. House Bill 3309 is declared passed. 3348. Senator Dillard? Senator Dillard, on -- 3348? Out of the record. Senator Dudycz, on 3349? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3349.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. House Bill 3349 creates the -- the Motor Vehicle Leasing Act. It provides for various disclosure and vehicle lease requirements. This is an initiative of the Attorney General. Specifically, the Act requires a lease to be in large print so that it is easily read by the consumer. Requires disclosure on what type of insurance the vehicle has. It contains a notice that the person leasing the vehicle does not have ownership rights. And if the contract contains a purchase option, the -- the person should not sign the lease prior to reading it. It also notifies the person leasing the vehicle that he is -- he or she is entitled to a complete copy of the lease describing how the lease may be terminated, and the lease must contain a description of the vehicle's value and how that value is determined. The bill was -- was sent to us from the House. It was amended in the Transportation Committee to remove a provision

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which prohibited the filing of a class action suit under the Act, and it also clarified a provision dealing with excess wear and damage to the vehicle, reducing the time from sixty to thirty days. I thank Senator Fawell and Senator Shadid for their assistance in cleaning up this bill. And I know of no opposition. It has the support of the New Car Dealers, the Automobile Manufacturers' Association. And as far as I know, everyone else has signed on board.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR PALMER:

Senator Dudycz, I think this is a very good bill. I did have one question. I certainly applaud the bill for reducing the number of days from sixty to thirty. I did wonder though: Will the car be rereleased at all prior to a decision made about excess wear and damage?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDYCZ:

Senator, it is possible. The problem that was discussed in Transportation Committee was that current -- under current law, there is no time limit, and the bill had the sixty-day limit -- of the wear and tear and that has been reduced to thirty.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion, Senator Palmer?

SENATOR PALMER:

Just one quick comment that is -- I think, should be of some concern to us, since I know your intention is to limit the

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liability or the concern to the consumer. So perhaps, at some later date, we might want to discuss that part of it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell. Out of the record. Senator Fawell, did you wish recognition? Senator Dudycz, do you wish to close? If not, the question is, shall House Bill 3349 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 3349, having received the constitutional majority, is declared passed. Senator Philip, on 3380? Out of the record. Senator Parker, on 3520? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3520.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer {sic} (Parker).

SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3520 amends the State Employees Group Insurance Act to allow recipients or survivors of recipients who receive a disability benefit from the Teachers' Retirement System to participate in the State employees' group health insurance program, and the second thing it does is amend the Comprehensive Health Insurance Plan Act and authorizes the Board to establish conditions and procedures under which the plan may, if funds permit, discount or subsidize premium rates that are paid directly by senior citizens and other plan participants who meet a means test and other qualifications. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall House

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Bill 3520 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill -- 3520, having received the constitutional majority, is declared passed. Senator Rauschenberger, do you wish to return House Bill 3649 {sic} (3694) to the Order of 2nd Reading for the purpose of amendment?

SENATOR RAUSCHENBERGER:

Senator, I'd like -- I'd like to request leave to return to this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Leave is granted. Senator Rauschenberger seeks leave to return House Bill 3694 to the Order of 2nd Reading for the purpose of an amendment. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I didn't expect to use my leave so quickly, but, yes, I'd like to move Senate Amendment -- Floor Amendment 1, which deletes the effective date and puts this bill in position for conference, later.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger seeks leave of the Body to return House Bill 3694 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 House Bill 3694. Mr. Secretary, are there any Floor Amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. Floor Amendment No. 1 to House Bill 3694 deletes the effective date of the bill and positions this for

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conference, later. I'd appreciate...roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Rauschenberger moves the adoption of Floor Amendment No. 1 to House Bill 3694. All in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. The amendment's adopted. Any further Floor amendments?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 3695, Senator Rauschenberger? Out of the record. 3696? Out of the record. 3698? Out of the record. On page 3 of your Calendar. We'll go back through the bills that were amended earlier today. This will be the last time through the Order of 2nd {sic} (3rd) Reading. So if you wish to call your bill, don't pass it up now. House Bill 24. Senator Karpel? 115. Senator Dudycz? Out of the record. 322. Senator Madigan. Senator Rauschenberger, are you handling that? Senator Cronin, are you handling 322 for Senator Madigan? Do you wish to call the bill? Out of the record. 431. Senator O'Malley? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 431.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. House Bill 431 has been amended by Amendments 1, 2, 6 -- I'm sorry, 4, 5 and 6. I am going to do my best to explain 1, 2 and 6, and I will do my best, also, to explain 4 and 5, but Senator Fitzgerald offered those amendments and may wish to make comments as well or answer questions related

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to them. Amendment No. 1 deletes the interim board of review language throughout the Property Tax Code. Again, that is legislation or -- or those -- that -- those provisions are -- were part of 1465 from last year, which was the subject of litigation, and the interim board of review language is no longer necessary. Amendment No. 2 makes a correction to the Property Tax Extension Limitation Law to address a problem in -- in the vicinity of Oak Lawn. As a result of the combination of both prior year EAV and recent imposition of tax limitations in -- in Cook County, one of the local school districts got caught - actually, the Village of Oak Lawn got caught - so that they were -- they intended to pay off a -- a TIF bond early. They did so, and this is intended to clean up that situation and make it possible for the local districts to assess the EAV that they intended to. The third amendment allows taxing districts -- I'm sorry. That -- that is not the amendment that we would explain. Amendment No. 4 applies only to Cook County and provides that the time limitation for a certificate of error shall not apply to a certificate correcting an assessment of one dollar, under Section 10-35, on a parcel that a subdivision or planned development has acquired through adverse possession, if, one, the parcel is used as a common area and, two, the application is made prior to December 1, 1996. This -- this was to address a specific problem that occurred in Senator Fitzgerald's area. Amendment No. 5 changes the reporting of nanny taxes from quarterly to annual to -- to mirror the recent reporting changes at the federal level. And last, but not least, is Amendment No. 6, which was placed on House Bill 431 earlier today. It's permissive language to allow any taxing district to abate its property taxes on property levied exclusively to affordable housing for older households, also the limitation on the amount of any abatement. Again, I'm going to emphasize that it's permissive language, not mandatory language. Should any

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districts wish to grant an abatement, the cumulative abatement benefit to any particular affordable housing for older households would be limited to a period of fifteen years and three million dollars in aggregate from all taxing districts. That's a summary of all the amendments that have been added to House Bill 431. I'd be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR PALMER:

Senator O'Malley, I'd just like clarification on three amendments. Amendment 1 applies only to Cook County. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

That is correct, Senator.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Parker. Senator Palmer. Excuse me.

SENATOR PALMER:

Amendment 2 applies only to Oak Lawn. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

No. It applies to Cook County, but it -- I'm explaining the circumstances -- in my -- in my introduction of it, I'm explaining the circumstances under which I'm bringing this before us. It's to correct, as I mentioned in my -- my earlier comments, a situation that -- that allows, through no intention of their own

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or -- or lack of attention of their own, the Village of Oak Lawn paid off its TIF bonds in a certain area, which, by the way, was residential, early, so that the local school district, which, of course, has students coming from that area, would -- would receive the benefit of the new EAV that was largely benefitted from the TIF improvements that were put in that area.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion?

SENATOR O'MALLEY:

So, yes, it applies to Oak Lawn, but it -- it applies, obviously, beyond the borders of Oak Lawn as well.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

Two more questions. Is there anyone else anywhere else that would be affected by Amendment 2? And lastly, Amendment 4 applies whatever -- however it was described, it applies, as I understand it, to a small tract of land in Palatine. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Palmer, your answer with respect to No. 4 is yes. I think it was -- this drawn narrowly enough that it applies to that -- a small parcel of land in Senator Fitzgerald's -- the area that Senator Fitzgerald represents. As far as No. -- Amendment No. 2 goes, again, we're not aware that it applies -- I mean, that there's any other specific circumstance whatsoever. The specific circumstance that we're aware of is the one that I've shared with the Body.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Shaw.

SENATOR SHAW:

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Yeah. Thank you, Mr. President. I just wanted to ask him about -- I don't remember whether it was the...

PRESIDING OFFICER: (SENATOR DUDYCZ)

The sponsor indicates he will yield. Senator Shaw.

SENATOR SHAW:

On that certificate of error, what did you -- what amendment was that, and what exactly did you do on that certificate of error?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

That's Amendment No. 4 to House Bill 431. But as I understand the facts, they are these, Senator Shaw: There's a piece of property that was intended to be part of a plan unit development or a condominium complex. For whatever reason, the developer -- or original developer did not convey it to the association and it -- it resulted in a -- an assessment being placed on -- on that piece of land, and the Assessor's Office is familiar with the -- the -- with this particular parcel and has, in fact, granted a certificate of error on subsequent years. This is to address those areas that the Assessor's Office is unable to address. And -- and the change in the law is intended to make it possible so that they can do so.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator O'Malley, to close.

SENATOR O'MALLEY:

Again, that was -- you know, any time we have a series of amendments like that, there's a lot to explain to the Body. But I would just appreciate your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 431 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is

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open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 Ayes, 3 Nays, and 3 voting Present. And House Bill 431, having received the required constitutional majority, is declared passed. On the bottom of page 3 of your regular Calendar, on the Order of Senate Bills -- or, House Bills 3rd Reading, House Bill 456. Senator Rauschenberger. Out of the record. On the top of page 4 of your regular Calendar, in the Order of House Bills 3rd Reading, House Bill 527. Senator DeAngelis. Senator DeAngelis. House Bill 545. Senator Cronin, do you wish this bill returned to the Order of 2nd Reading for the purposes of an amendment? Senator Cronin seeks leave of the Body to return House Bill 545 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 House Bill 545. Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. I just would like to -- before we take up the debate on House Bill 545, I would like to table Amendment No. 4.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpziel moves that Floor Amendment No. 5 -- No. 4 to House Bill 545 be tabled. All those in favor, say Aye. Opposed, Nay. The Ayes have it. And Floor Amendment No. 4 is tabled. Any further Floor amendments?

SECRETARY HARRY:

Amendment No. 5, offered by Senator Watson.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This is the amendment that deals with the East St. Louis School District. This will now take some of the provisions out that were objected to yesterday. We --

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as we discussed the amendment, as I mentioned on the Floor at that time, there were people meeting and discussing, from the Oversight Panel, from the State Board of Education, from the School Board in East St. Louis, and Senator Clayborne and myself, involved in the negotiations and we have come up now with this amendment. It is not necessarily supported by the School Board, but it is movement in a direction and good-faith effort to try to come to some sort of common ground here. So this takes out the no-strike clause that was in the legislation. It requires the East St. Louis School Board to develop a long-term plan. The collective bargaining language that was objected to is removed. And then the Panel is required to meet with the Board prior to the commencement of any -- collective bargaining to discuss the issues of the contract.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President. I understand that this is the last day to have House bills passed out, and with that understanding, Senator Watson and I will continue to negotiate and -- to add additional amendments that will rectify some of the problems that the Board feels are present -- that -- that are present. So, at this time, we're passing this bill on with the understanding that we will continue to negotiate. And meetings are set up for tomorrow.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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3rd Reading. On the Order of 3rd Reading is House Bill 545.
Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 545.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Yeah. Thank you, Mr. President, Ladies and Gentlemen of the Senate. I made a motion earlier to transfer the sponsorship of this bill to Senator Watson. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson, on House Bill 545.

SENATOR WATSON:

Yes. We just -- thank you, Mr. President, and thank you, Senator Cronin. We just discussed the amendment. That is now the bill, or -- well, actually, the -- the amendment we put on yesterday, plus these changes. The Elgin language that drew some fire yesterday was tabled by Senator Karpel. So that is no longer a part of this. The idea is to continue with the negotiations, as Senator Clayborne has mentioned, in hopes that, again, some kind of agreement can be reached between the Oversight Panel, the Board, and the State Board of Education. And I'd ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 545 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 46 Ayes, 3 Nays, and 6 voting Present. And House Bill 545, having received the required constitutional

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majority, is declared passed. House Bill 995. Senator Cronin. House Bill 999. Senator Cronin. House Bill 1014. Senator Rauschenberger, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Rauschenberger seeks leave of the Body to return House Bill 1014 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 House Bill 1014. Mr. Secretary, are there any Floor amendments that have been approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senators Rauschenberger and Mahar.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. Senate Amendment No. 2 to House Bill 1014 is the supplemental appropriations bill. I'd urge its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. There's been some question, on this side at least, as to what's in it. And let me just say that what's in it basically is -- is what the Governor had suggested in supplemental appropriations that we have been discussing for a while; however, there's a couple other things in it, and there's one thing that's not in it. One of the things the Governor said, that when we were going to do the intergovernmental transfer with Cook County Hospital, that would, in fact, provide money to bring down the number of days we have been delaying payments to nursing homes, developmental disability facilities and other such providers. While the facts are that the utilization has been down in those areas and therefore we have

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been able to bring that number of days down just by utilization, the Governor had said, very strongly, he wanted it to be at twenty-two days. Clearly, by this legislation, there is sufficient revenue from the intergovernmental transfer to bring it down to twenty-two days, and for each day we pay, twelve of those twenty-four hours are paid for by a federal government match to whatever State dollars we put up. So we're not only losing the ability to capture federal funds this year, but we had the ability and I don't see why we are not bringing it down to that which the Governor suggested, which would be healthy for the fiscal state of Illinois and good for our bond rating, and is to bring those bills down to twenty-two days. What they did find money for, however, was for some very specialized projects for certain Republican Members. There's seventy-five thousand dollars for the City of Berwyn for a new police station, which was not in Capital Development Board's request. There is a million dollars of General Revenue funds for a Phase II Willow-Higgins Creek improvement in -- in Rosemont, in Senator Cronin's district; General Revenue funds that were not in the Governor's request. There's 2.3 million dollars for a new historical library for Senator Bomke's district that were not within the Governor's request. There is a million and a half dollars of Road funds, taken from projects all over the State, into Senator Mahar's district, and other such proposals. And it's also in Senator O'Malley's district. I don't know that I would be that proud of it when we're doing a supplemental and we are not using the money to capture more federal dollars and not using the money to bring our fiscal house in order, but rather to provide special privileges to certain Members. I think that is wrong.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Jacobs.

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END OF TAPE

TAPE 3

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Jacobs.

SENATOR JACOBS:

Senator, is there any money in this supplemental for the Rate Adjustment Fund? We have a number of people, I know, in my district that are waiting six months. Their taxes are coming due. They're going to lose their homes because we're that far back in paying these very few people who have no true champion for them out there, and I just wondered if there was any money in there - inasmuch as we're giving arbitrators raises, as I understand, in this bill - that it would seem to me that we should be -- at least have the courtesy to ensure that those people who have been -- been hurt on the job, you know, for those uninsured areas, to at least get the payments that are due them. And I'm just curious as to whether or not there is any funding in this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator, thank you for asking that question. I want to point out to you that the Rate Adjustment Fund is a non-appropriated fund, much like what the income fund is now for our universities. Through the appropriation process we have no control over the Rate Adjustment Fund. It's a substantive issue. I would certainly urge the committees that would deal with the work comp policy and

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work comp reform to move forward with some kind of resolution to the Rate Adjustment Fund, but it's not an appropriation issue. But thanks for raising it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

Well, two points to that. I would hope that Senator Butler does call House Bill 2593 to resolve that issue, but we have loaned them money in the past. And until the Rate Adjustment Fund is finally taken care of in its proper manner, I think that a loan was appropriate in this special appropriations or supplemental appropriations and feel that we should give special interest to these people. Even though they are just a very few people, they have been hurt. They -- they are due their money, and I don't think people should be losing their houses because the State of Illinois owes these people money.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. I would assume that the Body will waive debate on 3rd Reading since we've debated this on recall. I will -- we've had some controversial issues raised. I'd like to correct a few mistakes, though, in -- in -- in other people's analysis. There is no Willow Creek project in for a million dollars. That maybe was in something else you saw, but it is not in this appropriation bill. The discussion of whether the road work that's necessary in -- in this supplemental comes from other projects, I don't agree with. It's a matter of the Road Fund balance and some of the fluctuations that IDOT's had. There's -- there's plenty of resources in the Road Fund to deal with legislative initiatives to the budget. The Executive Branch has a

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great deal of discretion in a thirty-four-billion-dollar budget. I'm not embarrassed and don't think it's wrong for the Legislature to exert itself, and -- and I would think in other circumstances, Senator Carroll might agree with me. Just so everyone knows what's in this supplemental that's critical is the funding for the regional superintendents so that they can get paid. It's funding that deals with the Department of Aging. It's funding that deals with the foster care situation in DCFS, where they don't have enough appropriated authority to pay their foster parents. It pays providers in the Department of Mental Health and the Department of Children and Family Services, as well as almost everything else that the Governor requested. I'd urge a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

On Floor Amendment No. 2 to House Bill 1014, 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 DeANGELIS)

3rd Reading. On the Order of 3rd Reading, House Bill 1014. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1014.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. This is a supplemental appropriation that we just discussed. As I said, it deals with

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the Governor's request. It deals with some other projects that have come to light since the Governor made his request, and most important of all to the Body, that I would not want to pass the opportunity to mention, is it provides funding to complete the prison at Tamms. It provides eleven million dollars -- thirteen million dollars of GRF funding to complete that prison for the safety of guards and for the well-being of the prisoners so that we can get our supermax prison open and get our most difficult prisoners out of our maximum-security prisons. It also deals with eleven million dollars worth of GRF to -- to help move along sixty-six million dollars worth of water projects throughout the State of Illinois through the Environmental Protection Agency, the Water Revolving Funds across all districts. It -- it affects both Republicans and Democrats. Since we have been unable to move forward with bonding, we're moving forward on these two projects. This is a good supplemental. I would urge unanimous support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1014 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 2 Nays, and 2 voting Present, and House Bill 1014, having received the required constitutional majority, is declared passed. House Bill 2206. Senator Philip. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 2206.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 2206, as amended, is George Ryan's bill which increases fees for the request of a driver's record, the fee for a corporation filing an annual report, the fee for filing certain documents under the Uniform Commercial Code. The revenues raised from these fees -- increases will go towards the literacy grants, library automation, replacing the mainframe computer of the Secretary of State's Office, which is over twenty years old, and the modernization of the Secretary of State's Office. Be happy to answer any questions, and would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Jacobs.

SENATOR JACOBS:

Senator, as you indicated, this is a -- a fee increase, but aren't we also in this giving more information of the driving community to the insurance companies out there - something that I know we've been trying to watch? This appears to me that it -- according to our analysis anyway, that it gives more information to the insurance companies from the Secretary of State's Office.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

That is absolutely correct. Evidently, that amendment was worked out with the insurance industry and the Secretary of State's Office.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

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SENATOR JACOBS:

Was there anyone there, Senator, to take care of the interest of the driving public, to get their interest and their -- their information into this agreement that was made between the Secretary of State's Office and the insurance companies?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

Well, there wasn't anybody there from the public, to my knowledge. What this information provides is your driving record. If you have a terrible driving record, you probably ought to pay a little more insurance fees. All of the states around us -- almost all of the states in the United States provide that information for insurance companies. In fact, as you know, we've increased the fees for them to do it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

It's -- it's my understanding, Senator, that there are -- of the number of reasons that very well may be given to the insurance companies is information even if no ticket was issued, that that same information will be given even if the ticket was either set aside or was found not guilty, that that information would still be passed on, and I don't know if that's really a good idea. I don't have a lot of problems with what you're trying to do, but I have some problems with the protection for the consumer.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Welch.

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SENATOR WELCH:

Senator Philip, how much money will this fee increase -- fee increases raise?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

19.4 million.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Didn't Secretary of State George Ryan just have a fee increase last year or the year before, as I recall?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

You know what? I think that is correct. I'm not sure.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Well, it just seems that the Secretary of State is -- is running his own tax increase operation here each year in the Senate, and I don't see the difference between fee increases and tax increases. And basically, what we're voting on is a tax increase, only George Ryan gets to decide how to spend it, and he gets to keep the money in his own budget. That doesn't make a lot of sense to me. I know we often hear about how we're not going to raise taxes, but it ends up that the drivers end up paying these increased fees. So it seems to me the same thing. You can call it a tax increase, you can call it a user fee, but in the end it's the government getting more money out of the taxpayers' pockets.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Geo-Karis.

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SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, first of all, their computer system is completely antiquated, and if you don't think people want service, you're mistaken over there. And if they get a decent system with some of these user fees, then they'll get more prompt response and more prompt action to our citizens. And I think people are willing to pay a little more to get better service, and you're not going to do it with the antiquated computer system we have. These fees are going to go into purchasing a better computer system, and I vote for the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. If you go down enough -- far enough in your analysis, you will see that the fee for requesting a driver's record would go from two dollars to five dollars. The fee -- the fee for a domestic or foreign corporation filing an annual report would go up slightly, and a fee for filing certain documents under the Uniform Commercial Code would go up slightly. There's also some fees that are being reduced or eliminated.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion?

SENATOR FAWELL:

Seems to me that this is reasonable.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Remind the Members, these fees have not been increased for over twenty years. If you would compare these fees to the states surrounding us, we are way, way low. And the individual people do not pay these fees. The people that pay these fees are insurance

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companies and banks. So I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 2206 pass. All those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 Ayes, 7 Nays, none voting Present, and House Bill 2206, having received the required constitutional majority, is declared passed. House Bill 2593. Senator Butler. Senator Butler. That's House Bill 2593, Senator Butler. House Bill 2596. Senator Watson. Senator Watson. That's House Bill 2596, Senator Watson. House Bill 2702. Senator Syverson. House Bill 2751. Senator Weaver. House Bill 3128. Senator Butler. House Bill 3128. Senator Butler. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 3128.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

Thank you very much, Mr. President. This is the bill we debated at length earlier today. It's called the collateral protection insurance, and it protects both the lender and the recipient who take out collateral -- or, who have loans backed by collateral. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I guess, you know, some discussion was had on the amendment

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process on this, and while I commend Senator Butler and Senator Barkhausen for their efforts, including taking one of the amendments I had suggested and adopting it, and I think that does go a long way to make it better, as I indicated in the amendment I still had some concerns. The most critical of which that I thought could have been handled was the situation where the lender charges the borrower more than the lender spends and then charges the borrower interest on it. And just to explain the example again: If the borrower does not maintain his insurance - I recognize that he starts this process - and gets a notice and doesn't do something for thirty days, that the lender can then say, "I bought..." - the example I used was - "four years worth of insurance for ten thousand dollars." Even though the lender is only paying it monthly - two hundred dollars a month, charge the borrower the full ten thousand dollars day one, and charge them ten, fifteen, twenty percent on that money, the interest would be more than he was actually spending on the principal for the borrower. And let me give you a more practical example. Some of you may have been asked at some point to co-sign on a note, let's say, for a car for a child who becomes -- you know, who moves out of the house, lives by themselves. They're making their payments. They stop paying the insurance, for whatever reason, and now the lender goes out and says, "I'm going to buy four years car insurance," and put on the whole price of the car insurance day one, and be able to charge interest on it, even though the lender hasn't paid any of the insurance bill, or a very small portion. I don't think you want to create that situation where either the borrower, the kid, or the parent is now stuck with a huge bill, and more importantly the interest on that, even though the lender never paid it. I think that's a glaring defect in here that I wish would have been corrected and, unfortunately, cannot see supporting it with that in there.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR BUTLER:

I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 3128 pass. All those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 19 Nays, 2 voting Present, and House Bill 3128, having received the required constitutional majority, is declared passed. On the Order of House Bills 3rd Reading, House Bill 3204. Senator Carroll, I -- you don't have your light on. Senator Carroll.

SENATOR CARROLL:

I'm sorry. I forgot, Mr. President. We would appreciate a verification.

PRESIDING OFFICER: (SENATOR DUDYCZ)

That request is in order. Senator Carroll requests verification of the affirmative vote. Will all Senators please be in their seats? Will all Senators be in their seats? The Secretary will read the affirmative votes.

SECRETARY HARRY:

The following voted in the affirmative: Barkhausen, Bomke, Burzynski, Butler, Cronin, DeAngelis, DeLeo, Donahue, Dudycz, Fawell, Geo-Karis, Karpziel, Klemm, Lauzen, Luechtefeld, Maitland, Molaro, O'Malley, Parker, Peterson, Petka, Raica, Rauschenberger, Rea, Sieben, Syverson, Walsh, Watson, Weaver, Welch, Woodyard and Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

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SENATOR CARROLL:

Yes, I do, Mr. President. Is Senator DeLeo here?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeLeo. Is Senator DeLeo on the Floor? Strike his name.

SENATOR CARROLL:

Senator Burzynski here now?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Burzynski is in the back of the Chamber.

SENATOR CARROLL:

Senator Sieben.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sieben's in his seat.

SENATOR CARROLL:

Senator Molaro.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro. Is Senator Molaro in the Chamber? Strike his name.

SENATOR CARROLL:

Senator Peterson. I'm sorry. Didn't see him over on the side. No. Senator Cronin we said could go to the nurse's station. And no further, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

On a verified roll call, the Ayes are 30, the Nays are 19, with 2 voting Present. Having received the required constitutional majority, House Bill 3128 is declared passed. House Bill 3204. Senator O'Malley. Senator -- Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 3204.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. House Bill 3204, as amended, provides for a -- an election map for election districts for the Cook County Board of Review. The General Assembly was required, pursuant to House Bill 1465 from last year, to draw a map for electoral districts to be elected in the 1998 fall election. I'd be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 3204 pass. All those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 24 Nays, none voting Present, and House Bill 3204, having received the required constitutional majority, is declared passed. House Bill 3348. Senator Dillard. Top of page 6 of your regular Calendar, on the Order of House Bills 3rd Reading, House Bill 3694. Senator Rauschenberger. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 3694.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. House Bill 3694 is a bill that we amended a few minutes ago and deleted the effective date. We'd like to move this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion?

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SENATOR RAUSCHENBERGER:

We'd like to move this out of Chamber. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 3694 pass. All those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 Ayes, no Nays, and 6 voting Present. With House Bill 3694, having received the required constitutional majority, is declared passed. Senator Smith, what purpose do you rise?

SENATOR SMITH:

I would like to be recorded as Present on this last vote. My button wouldn't go off or something.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record -- the record shall so reflect. If you'd turn your Calendars to the top of page 11 to the Order of Motions in Writing to Reconsider the Vote, is House Bill 3271. Mr. Secretary, read the motion.

SECRETARY HARRY:

Having voted on the prevailing side, I move to reconsider the vote by which House Bill 3271 passed.

Signed by Senator del Valle.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle.

SENATOR DEL VALLE:

Mr. President, I move to reconsider the vote by which House Bill 3271 was passed for the purpose of clarification and establishing legislative intent.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Having voted on the prevailing side, Senator del Valle moves

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to reconsider the vote by which House Bill 3271 was passed. All those in favor, say Aye. Opposed, Nay. The motion carries and the question before the Senate... The motion passes. On the Order of House Bill 3271 -- on the Order of 3rd Reading, we have House Bill 3271. Mr. Secretary, read the... On the Order of 3rd Reading is House Bill 3271. Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President and Members of the Senate. House Bill 3271, as mentioned before, amends the Professional Boxing and Wrestling Act to ban ultimate fighting exhibitions in Illinois. As you know, ultimate fighting is a no-holds-barred contest in which contestants can use whatever style of hand-to-hand combat they wish. House Bill 3271 places ultimate fighting in violation of the Act and places the Department of Professional Regulation in a position to define what constitutes such a contest, and enforcement powers to ban such contests. There's also a home rule preemption included in the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Cullerton.

SENATOR CULLERTON:

Senator, during earlier debate on this bill, the question was asked if this bill bans the broadcast over cable and pay-per-view channels. Does -- does this bill ban such broadcasts in Illinois?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Peterson.

SENATOR PETERSON:

Senator Cullerton, after further consultation with the

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Department of Professional Regulation, House Bill 3271 seeks only to ban ultimate fighting contests from being held in Illinois. The television and cable industry's concerns and the concerns of the Department of Professional Regulation regarding broadcasts of these contests held out-of-state were handled by House Amendment 1, and I ask for a favorable roll call on House Bill 3271.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I spoke against this bill last time. I'm not going to get into it at length. The same arguments prevail, but I just find it a little ironic. We always sit here and say we want to keep out of people's lives. These are grown people making grown decisions, which do no different than they do in boxing, no different than they do in hockey where they have fights all over the joint. And more people get hurt in hockey than they do in ultimate fighting, and even the Bulls games sometimes gets a little rough. And I just think it's a silly idea and we should vote No this time.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall House Bill 3271 pass. All those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 {sic} (53) Ayes, 2 Nays, and none voting Present, and House Bill 3271, having received the required constitutional majority, is declared passed. Turn your Calendars to the Order of -- to page 7 to the Order of Secretary's Desk, Concurrence, Senate Bills for the purposes of nonconcurrence. Senate Bill 18. Senator O'Malley. Out of the record. ...the information of the Membership, we are on the Order of Secretary's Desk, Concurrence, Senate Bills. We will only be taking up the

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motions to nonconcur. Senate Bill 454. Senator Rauschenberger.
Mr. Secretary, read the motion.

SECRETARY HARRY:

I move to nonconcur with the House in the adoption of their
Amendment No. 1 to Senate Bill 454.

Filed by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Rauschenberger moves to
nonconcur in House Amendment No. 1 to Senate Bill 454. All those
in favor, say Aye. Opposed, Nay. The Ayes have it. The motion
carries, and the Secretary shall so inform the House. Senate Bill
-- 542. Senator Watson. Mr. Secretary, read the motion.

SECRETARY HARRY:

I move to nonconcur with the House in the adoption of their
Amendment No. 1 to Senate Bill 542.

Filed by Senator Watson.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson moves to nonconcur in House Amendment No. 1 to
Senate Bill -- 542. All those in favor, say Aye. Opposed, Nay.
The Ayes have it. The motion carries, and the Secretary shall so
inform the House. On the bottom of page 8. Secretary's Desk,
Concurrence. Senate Bill 1465. Senator Dillard. Mr. Secretary,
read the motion.

SECRETARY HARRY:

I move to nonconcur with the House in the adoption of their
Amendments 1 and 2 to Senate Bill 1465.

Filed by Senator Dillard.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard moves to nonconcur in House Amendments No. 1
and 2 to Senate Bill 1465. All those in favor, say Aye. Opposed,
Nay. The Ayes have it. The motion carries, and the Secretary
shall so inform the House. ...leave of the Body, we will return

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back to Senate Bill 1414. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I move to nonconcur with Senate Bill 1414, and I ask that a conference committee be appointed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis moves to nonconcur in House Amendment No. 1 to Senate Bill 1414. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Page 10 of today's Calendar. If you turn it to the middle of page 10 of today's Calendar is the Order of Secretary's Desk, Nonconcurrency, House Bills for the purposes of motions to refuse to recede from Senate amendments. House Bill -- 3451. Mr. Secretary, read the motion.

SECRETARY HARRY:

I move to refuse to recede from Senate Amendment 3 to House Bill 3451, and request that a conference committee be appointed. Filed by Senator Bomke.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

Mr. President, I -- I move that we refuse to recede, and that a conference committee be appointed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke moves that the Senate refuse to recede from the adoption of Senate Amendment No. 3 to House Bill 3451, and that a conference committee be appointed. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Resolutions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senate Joint Resolution 107, offered by Senator Weaver.

(Secretary reads SJR No. 107)

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Joint Resolution 107. All those in favor will say Aye. Opposed, Nay. The Ayes have it. The rules are suspended. Now, Senator Weaver has moved for the adoption of Senate Joint Resolution 107. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Resolutions Consent Calendar. ...now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all of those read in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY HARRY:

No objections filed, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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 motion carries, and the resolutions are adopted. Messages.

SECRETARY HARRY:

A Message from the President.

Dear Mr. Secretary - Pursuant to the provisions of Senate Rule 2-10(e), I hereby extend the deadline for final action on the following category of bills, with specific bills enumerated under this category, to May 21st, 1996: Business Regulation - specifically House Bill -- House Bills 2737 and 2927.

We have a like Message on Pensions - specifically House Bill 322; and another Message on Budget Implementation - specifically House Bills 3380, 3696 and 3698; and Education Reform - specifically House Bill 2596.

Signed by President Philip, and filed on May 16th, 1996.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Is there any further business to come before the Senate? If not, pursuant to the adjournment resolution, the Senate stands adjourned until 10 a.m. Monday, May 20th.

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