

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

57th Legislative Day

May 24, 1995

(MIDNIGHT)

SENATOR JONES:

Thank you, Mr. President. You know, as we deal with such issues as educating children and we talk about input, I think it's important that we at least be honest with ourselves and honest with our fellow colleagues. I recognize that Representative Cowlshaw did have a meeting, and she formed a group, but no Democratic legislators were even permitted in that group, even though I know the Senate President and Lee -- and Representative -- Representative Lee Daniels, or Speaker Daniels, was involved, but not one Democratic Member was even included. They even had some of the people sitting here in the gallery, and I'm glad you're sitting here to witness this because sometimes, you know, when you -- the old folks always say, you know, if you lay down with certain folks, you'll come up with fleas. Well, that's what has happened in this piece of legislation, because you -- some of you went behind closed doors and you thought perhaps you're going to get a better deal. Well, the deal you got is one that's stabbing you right in the face. When we talk about the '88 or '89 school reform, there was hearings held for many, many months all across the City of Chicago. There was no bill drafted in the late hours and then all of a sudden slammed on your desks. And there was talk about having the community involved in help selecting those persons who run the School Board, and those subdistrict council persons were doing just that. They were involved. They were trying to get involved to help educate their children, but all of a sudden, the door slammed in their face and it slammed in their face because they were operating under the -- under the -- under the pretense that they thought that they could do a job. They thought they wanted to try and do something for their

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children. But you see what has happened to you. It's very unfortunate. It's unfortunate that one would get up here and -- and -- and -- and try to lead a person in a question to talking about input, and the only input that was made on legislation such as this was the committee hearing that we was held late this -- this past afternoon and when one did not have ample time to, if they wanted to travel down from Chicago, didn't have time to even get here. So let's quit playing games. You have the votes to do what you want to do, but let me tell you something I told one of the reporters from the Chicago Tribune. He asked the question, he said, "You have the political organizations in Chicago and all those employees that work for the Board come through those political organizations." Well, let me explain one thing to you. Nothing is further from the truth. The teachers and the administrators and the employees of the Board of Education are very apolitical, but you're going to -- you're going to politicize those employees. They live out in Country Club Hills; they live in Park Forest; they live in DuPage County; they live in the -- in the western suburbs. And they're going to get -- I mean, politicized and I'm damn glad they are, because they are the ones that vote in those respective districts and they're the ones that going to carry the word. And you will find out next year what you have done to them. It's a doggone shame, you're talking about closing a school in Chicago because some schools should be consolidated. This is perhaps true. But an educator who has worked there or an employee who has worked at that particular school, just because the Board closed their school, a darned good educator who has spent their years in that profession - could be fifteen, twenty or twenty-five years - they close; they're automatically out of a job. And you would not do it to an educator or employee in your own school district because they have seniority rights. They would be able to bump. But you don't care

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about that. You're trying to ramrod your program through based on some notion that you're talking about reform. Well, this is not reform, but the reform will come next year and you'll find out what reform is all about.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson and O'Malley, to close. Senator Watson.

SENATOR WATSON:

Well, thank you, Mr. President, and good morning. The -- the -- first of all, Senator Smith, gave a very emotional speech, and I know she was very sincere in what she had to say. And I know Senator Smith well enough to know that -- that her concern for the kids comes first. But I just want to tell her that many of the provisions in her, ma'am, and especially the one that you mentioned about mandating education or training for local school council members, comes from those very reform groups that are in the trenches trying to make this system work. Reform is working in the City of Chicago. It truly is. Obviously in some cases, there are some problems, but there's an effort by a lot of people in the front lines to make this whole process go. So much of what is in this proposal is what they asked for. Not everything. And they don't support it - the bill - as a whole, but much of what they asked for is here. You know, if I was the Mayor, and here, I think it was Senator del Valle, or somebody -- somebody over there mentioned about giving the -- the Mayor a rope - let him hang himself with this rope. You know what the Mayor has? He has one of the greatest opportunities that ever could be given to an individual, a tremendous opportunity to turn around a system in which many people feel has not necessarily failed, but needs repair. He is going to be given the responsibility, the authority, to make those changes that will create the environment which we all want, and that's a quality education for the young people of Chicago - the people that many of you represent who,

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unfortunately, do not support this proposal. What an opportunity. I wish he'd quit his whining and just get to work and get down to the business of creating a quality public education system in Chicago. That's what I wish he'd do. We are giving more authority to the people that -- need to have it, and that is the people of Chicago. The Super Board will be appointed by the Mayor. Who will be members of that Super Board? I do not know. Obviously, they will be members who have the concerns of the young people of the City of Chicago. Obviously. We are giving them the responsibility, the authority and the flexibility to get something done. We're interested in seeing the public schools open in August -- or, late August or early September, and that's what some of the language in here is all about. I find it ironic that in the two and a half hours, Mr. President, that we discussed this issue in the Education Committee, kids were mentioned three times. Three times. Once by one of the reform group individuals, James Dean, and twice by David Peterson, who represents the Chicago Teachers' Union. And throughout my years -- the last three years, anyway, in the Education Committee, one thing I think that this side of the aisle's been interested in and we've tried to promote is what's in the best interests of -- better -- best interest of the kids. Ironically enough, I think the message was received by those who oppose this particular measure, because every single one of them tonight on the Floor mentioned the kids, and that's a step in the right direction, a step away from the special interests who have dictated policy year after year, generation after generation, in a system, Mr. President, who, unfortunately, has not produced the product that we all would desire. So let's put the kids first. Let's do what's right for public education in Chicago and adopt Conference Committee Report No. 1 to House Bill 206. And thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and Members of the Senate. Senator Watson and I talked briefly, as we were getting ready to conclude our remarks, as to what he was going to say and what I was going to say. And of course, he said he was going to be brief, and I was going to make the closing remarks. And therefore - guess what? - I might be lengthier. But I'm going to try and not do that tonight. But I do think there's some important things that do need to be said. One of the previous speakers from the other side of the aisle made some wild allegations about pension funds. This side of the aisle fought to make sure that the State dollars are going to go -- to the pensions in Chicago, are going to go directly to the Pension Fund, right where they belong. But I've also heard from other Members on the other side of the aisle, and always in the Education Committee, about how important and necessary it is to provide as much financial flexibility as we possibly can for the Chicago public schools. So in the process, what have we done? We've given flexibility in this legislation, and with flexibility comes authority, and with authority, comes responsibility, Ladies and Gentlemen, and accountability. And so the people who will be accountable for whatever happens with the pension funds are on the Board and those who are appointed by the Mayor. Ladies and Gentlemen, the Chicago public schools are in crisis and they have been for many years. The conditions that exist in the Chicago public schools are drastic and they call for drastic action. That is why this legislation is brought forward here. But this legislation is not so drastic, as some might suggest, to be considered punitive and that it is certainly not as -- as irresponsible -- or, it is not irresponsible, as was suggested by some. There are, however, some things in the Chicago public schools that, in my opinion, are punitive and they are

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irresponsible. To summarize some of those, I would say they are these: that four hundred and ten thousand children in Chicago are receiving a substandard education, in spite of the fact that we're spending seven thousand dollars a year for each one of their educations; that four hundred and ten thousand children in Chicago are sent to schools where ceilings cave in on sixth-graders; that four hundred and ten thousand children are likely to graduate and be unable to read, write or add or subtract sufficient to get a proper job. And, Senator Smith, I, too, want to comment that I thought that your comments, your speech, was very moving, and it came from your heart and I know you're very sincere when you made your remarks. Senator Smith, I was raised in Chicago. I went to the schools in Chicago, not all Chicago public schools; I went to parochial schools as well. I represent Chicagoans. And guess what? I even own some real estate in Chicago, so I pay taxes in Chicago. Does that give me standing to be here? I'm going to tell you what: There isn't a Member of this Senate who doesn't have standing to talk up and speak up for the kids of Chicago, because they need everybody that can possibly defend them. You, Senator Smith, and me, and the rest of us in this Chamber and in the Chamber across the way. You want your neighborhoods treated well. You want them treated as well as my neighborhood goes. Senator Smith, I share your feelings. I -- I share your compassion for those children, because if your streets are going to be good, the streets that I represent, including the streets that I live in, are going to better -- be better streets, and Illinois will be better served as a result of it. I thank you for reminding everybody here -- and I don't really want to end up on a negative note, but you -- you talked about people laughing or taking this lightly. I can assure you I do not, and I didn't hear anybody on this side of the aisle laughing when you were making your remarks. And I'll leave it at that. I would ask you to

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please consider supporting this legislation. It's important for the children of Chicago, Senator Smith. You're absolutely right.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall the Senate adopt the Conference Committee Report No. 1 to House Bill 206. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 33 Ayes, 26 Nays, no Members voting Present. The Senate does adopt the Conference Committee Report No. 1 to House Bill 206, and the bill, having received the required constitutional majority, is declared passed. Messages from the House, Mr. Secretary.

SECRETARY HARRY:

A Message from the House by Mr. McLennand, Clerk.

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

Senate Bill 718, 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.

We have like Messages on Senate Bill 772, with House Amendment 1; Senate Bill 949, with House Amendments 1 and 2; Senate Bill 274, with House Amendments 1 and 3; Senate Bill 907, with House Amendment 1; and Senate Bill 1039, with House Amendment 1. All passed the House, as amended, May 23rd, 1995.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio, for what purpose do you arise, sir?

SENATOR DEMUZIO:

Just on a inquiry of the Chair.

PRESIDING OFFICER: (SENATOR MAITLAND)

Yes, sir.

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SENATOR DEMUZIO:

I noticed that -- we have noticed that you've extended the deadlines on the -- on five appropriation bills - 803, 809, 1016, 1018 and 1083 - to Friday the 26th. Our question, I guess is, is that we've had a very short period of time to review both issues that we discussed this evening, both workers' comp, as well as Chicago schools, and we were wondering whether or not we could get some commitment to a hearing on the thirty-three-billion-dollar budget, or at least twenty-four-hour notice so that we might have the opportunity to review it. It seems to us that perhaps we're being posturized <sic> here in order to simply to have a conference committee -- a conference committee, whereby the Senate would have to concur and therefore it would not have to go to committee. We'd like to have some assurance that there's going to be a public hearing on the budget.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio, pursuant to our rules, there will be a hearing on the bills - the appropriation bills - in Appropriations Committee. That's our policy, and we'll be doing that. Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Could we get a commitment that we'd have at least twenty-four-hour notice to at least have the opportunity to have the bill in our possession so that we might be able to review it. Thirty-three-billion-dollar budget seems to me to be a very important matter, one of the principal reasons that we are here, and we would like very much to have that -- that courtesy extended to this side of the aisle.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio, as you know, the rules on -- on those amendments is one hour. We will do our best to make certain that that's more than one hour. Is there further discussion to come

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before the Senate? If -- I'm sorry. Senator Karpel, for what purpose do you arise, ma'am?

SENATOR KARPIEL:

For the purposes of an announcement, Mr. President. I know you're all anxious to be there, but we are having a meeting of the Executive Committee tomorrow morning at 9:45 in Room 212. This morning at 9:45 in Room 212. It'll be very fast.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? If not, Senator Hasara moves that the Senate stand adjourned until 10 a.m. Monday -- Wednesday, May 24th. Senate is adjourned.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

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 John Miller, Southside Christian Church, Springfield, Illinois. Pastor Miller.

PASTOR JOHN MILLER:

{Prayer by Pastor John Miller}

PRESIDENT PHILIP:

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

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal. Senator Butler.

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SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Thursday, May 18th; Friday, May 19th; Sunday, May 21st; Monday, May 22nd; and Tuesday, May 23rd, in the year 1995, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

Senator Karpziel, Chair of the Committee on Executive, reports Senate Resolution 69 Be Adopted.

PRESIDENT PHILIP:

Senator Weaver, for what purpose do you arise?

SENATOR WEAVER:

Thank you, Mr. President. I'd just like to remind the Membership that we have about thirty bills on the Secretary's Desk Concurrence that have no motion filed. I would just urge the Body to -- if they wish to move those bills, to get those motions filed because Rules Committee is not going to be meeting much longer. If you want to move them, get your motions filed.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Would all the Senators please come into the Assembly. We're ready to start. If you want to move your bills, you'd better get here. I'm happy to see Senator Jacobs make it. I'm calling for all the Senators. Please get into the Senate Chambers, as we're ready to start. We're going to begin -- if I can have your attention. We're -- we're going to begin, Ladies and Gentlemen of the Senate, on this bright day, on page 7 of today's Calendar on the Order of Secretary's Desk Concurrence, Senate Bills. Senate Bill 46. Senator Mahar? Read -- read the motion, Mr. Secretary.

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SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 46.

Filed by Senator Mahar.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President. This is -- and I don't want to belabor this point with the Body. This is the same version of Brownfields we passed two days ago, and the reason I'm calling it today for another time is I'm concerned that the concurrence -- that we're going so fast here that the concurrence with the House on the House bill may not occur this Session. I think this is an important initiative to get to the Governor's desk. It got 42 votes on a bipartisan basis two days ago, and I would ask for, once again, a final time, to support me in this effort.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

This is final action. The question is, shall the Senate concur in House Amendment 1 to Senate Bill 46. Those in favor, vote Aye. Those opposed will vote Nay. Voting is open. I'm sorry. Well I'm just trying to expedite a few things. Any further discussion? Senator... It's open. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 32 voting Aye, 25 voting Nay, 2 voting Present. This bill -- this question -- the Senate does concur in House Amendment 1 to Senate Bill 46, and the bill, having received the required constitutional majority, is hereby declared passed. Who's asking for verification? Senator Berman, you're entitled to it. Senator Berman has requested a...

SENATOR BERMAN:

I request a verification of the affirmative vote.

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PRESIDING OFFICER: (SENATOR GEO-KARIS)

All right. Will all the Senators be in their seats. The Secretary will read the affirmative votes.

SECRETARY HARRY:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Does Senator Berman question any of the affirmative votes?

SENATOR BERMAN:

Senator -- Senator Burzynski. Senator Cronin.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cronin? Is Senator Cronin in? Is Senator Cronin here? Is he at the phone? Senator Cronin? Strike his name.

SENATOR BERMAN:

Senator Hasara. Oh, I see her. Thank you. Senator Madigan.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan? Senator Madigan? Is he on the phone? Senator Madigan. Strike his name.

SENATOR BERMAN:

Senator O'Malley.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley. Senator O'Malley? Senator O'Malley? Senator O'Malley in the phone booth? Strike his name.

SENATOR BERMAN:

Senator Petka.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He's right in his seat.

SENATOR BERMAN:

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I see him. Thank you. Senator Walsh.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Walsh? Senator Walsh? Senator Walsh? Strike his name.

SENATOR BERMAN:

Senator Lauzen.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Lauzen? Senator Lauzen? Senator Lauzen? Strike his name.

SENATOR BERMAN:

Thank you, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Anything further, Senator Berman? On a verified roll call, the Ayes are 27, the Nays are 25, 2 voting Present. And this bill, having failed to receive the required constitutional majority, is hereby declared lost. Senator Mahar, did you wish Postponed Consideration?

SENATOR MAHAR:

I'd move to non-concur.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Oh, sorry. Senator Mahar moves to non-concur in House Amendment 1 to Senate Bill 79 -- no, no -- 46. Senate Bill 46. All those in favor, say Aye. All opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Senate Bill... Senate Bill 130. With leave, we'll return to 130. Senate Bill 141. Senator Woodyard? Read the -- the motion, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 141.

Filed by Senator Woodyard.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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Senator Woodyard.

SENATOR WOODYARD:

Thank you, Madam President, Members of the Senate. As you can see from the number of this bill, it's been around a long while. The genesis of this started when we enacted a Public Act which allowed the State Board of Education to -- to actually adopt guidelines dealing with behavioral intervention. It became very obvious after those guidelines were adopted -- they even went before the Joint Committee on Administrative Rules and were objected -- objected to by the -- by JCAR. The State Board of Education later -- rather, pulled back or rescinded those guidelines as a mandate imposed on the school systems of this State. We introduced this bill in January or February to try to alleviate the problem of school systems dealing with behavioral intervention. There was a lot of opposition to this bill, and quite frankly, I was very pessimistic that we would ever be at a point of concurrence. With Senator Berman's help in a lot of meetings with opponent advocacy groups, finally an agreement was reached in the House that ends up with now Senate Bill 141 on Concurrence. And it basically removes the requirement that the local school districts must adopt behavioral intervention programs conforming to the guidelines. They may adopt them or they may choose their own. It changes the guidelines by which boards must adopt policies to January 1st of 1996. There is another provision in there that each of the students with -- and parents with IEPs must receive copies of the guidelines promulgated by the local school district. I -- I know of no objection to this concurrence at this time. As I say, I'm -- I'm quite surprised that we ever were able to reach agreement, but we have and this is a concurrence that I feel it's imperative for the school districts and the parents and the students in this State to put on the Governor's desk, and I would ask your support in -- in concurrence

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on Senate Bill 141.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Madam President. I want to congratulate Senator Woodyard for a -- a terrific task. The people on opposite sides of this -- this issue were -- were miles apart when we started. We got everybody around the table and kept them at the table, and I think this is a great example. Senator Woodyard, can -- can take this back home and lecture on this kind of a bill to his high school classes as to what required discussion and mediation can accomplish. The -- the groups like the Autism Society, the Association for Retarded Citizens, they're in support, just as are the management groups of the education facilities, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? This is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 141. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Mr. Secretary. On this question, there are 59 voting Aye, none voting No, none voting Present. And this bill, having received the concurrence of 59 Senators and -- constitutionally right, is hereby declared passed. Senate Bill 150. Senator Klemm? Mr. Secretary, will you read the bill.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 4 to Senate Bill 150.

Filed by Senator Klemm.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Klemm.

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SENATOR KLEMM:

Thank you, Madam President and Members of the Senate. House Amendment 4 to Senate Bill 150 becomes the bill after adding the contents of Senate Bill 1122, which passed the -- Senate on a vote of 59 to nothing. It also gives school boards the authority to exercise all that's necessary and proper for the maintenance and operation and development of their schools, provided that this authority is not in conflict with any provisions of the School Code, in that it clarifies that this authority does not release school districts from any duty imposed by -- by law right now. Second provision allows school districts, including Chicago, to utilize noncertified personnel for school-sponsored extracurricular activities, and it repeals some obsolete provisions in the School Code that is no longer needed or that the schools already are doing. And I ask for your support.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Any further discussion? Hearing none - this is final action - the question is, shall the Senate concur in House Amendment 1 <sic> to Senate Bill 150. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, on that, Mr. Secretary. The Senate does concur in House Amendment 1 <sic> to Senate Bill 150, and the bill, having received the required constitutional majority, is declared passed. Senator Weaver, for what purpose do you rise, sir?

SENATOR WEAVER:

On a point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your point.

SENATOR WEAVER:

In the gallery there is a group of fourth- and fifth-grade

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students from Thomas Paine School in Urbana. I wish they would rise and be recognized by the Senate.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Will they rise, please. Welcome, from Urbana to Senator Weaver's hometown. We'll go to Senate Bill 368. Mr. Secretary, would you read the bill.

SECRETARY HARRY:

I move to non-concur with House Amendment No. 1 to Senate Bill 368.

Filed by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. I move that the Senate non-concur in House Amendment No. 1 in Senate Bill 368. It is a lousy amendment.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator DeAngelis moves to non-concur in House Amendment No. 1 to Senate Bill 368. All those in favor, say Aye. All opposed, Nay. The Ayes have it, in the opinion of the Chair. The motion carries. The Secretary shall so inform the House. Senate Bill 377. I'm sorry. Let's see. 433. Senate Bill 433. Senator Barkhausen? Madam Secretary, will you read the bill.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 433.

Offered by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Madam President and Members. I move that we concur in House Amendment No. 2 to Senate Bill 433. The original bill

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deals with the Business Corporation Act. The amendment amends the State Library Act. It represents a recommendation and agreement of both the Secretary of State's Office and the Governor's and Lieutenant Governor's Office. Both of these -- and the bill deals with putting information in the executive branch agencies of State government on what is commonly known as -- as the Internet. Much of this is already being done, but increasingly, I think it's fair to say our constituents will be interested in having this kind of computer access to State government. For now, the legislation omits the legislative and judicial branches, but surely the time will come and probably ought to come within the next year when we, ourselves, are included in a legislative plan of this kind. But for now, I ask for concurrence with this amendment.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Madam President and Ladies and Gentlemen of the Senate. Senator Barkhausen, let me indicate to you that I certainly do not quarrel with what you are doing here, but I would like to, for the record, ask a couple of questions, if I might, for purposes of clarification.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he'll yield.

SENATOR DEMUZIO:

As I read this amendment, this, of course, authorizes the State Library to accept various records in one format of constitutional officers or boards or commissions or agencies that are created by the Constitution. And is it correct then that all information that would be defined by the agency as pertaining to the Freedom of Information Act would also be included in the documents that would be submitted to the State Library; that in this Internet process that they might have access to those records

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without having to file Freedom of Information Act forms?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I -- that question didn't come up, Senator Demuzio, so I don't know exactly how to answer it. As far as I know, there's no intent to circumvent the existing Freedom of Information Act process.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Demuzio.

SENATOR DEMUZIO:

I -- I was just seeking clarification. I wasn't seeking as to whether or not they would try to, in some manner, thwart the information being made public. This -- am I correct in assuming then that all the constitutional officers and everybody that's covered by this amendment - boards, commissions, agencies and whatnot - would all have various records that they would sit down and deem to be appropriate that should be public documents, that they, in fact, will furnish them to the State Library, and anybody on the Internet system would then have access to that information?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes. The -- intent is that the Office of the State Library and the relevant executive branch agencies, boards and commissions would, together, figure out what information would be most appropriate and of interest to those that might seek the information by this means.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Demuzio.

SENATOR DEMUZIO:

That would mean that all contracts, budget, everything that State agencies do, like under the Office of the Governor or the

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Treasurer or the Comptroller, or whatever, that those information would be available to anybody and everybody on the Internet system that wishes to go in and have access to that information. If that's correct, I think this is great.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

I simply ask for a favorable roll call on concurrence.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I had asked a question, but apparently I'm not going to get an answer to that one, so let me ask another one if I might. How much is this going to cost, and who's going to pay for it? Are we -- is there going to be a prorata amount that's going to be charged to the various constitutional officers carried in their budget, or is this total financial obligation going to be borne by the Secretary of State's Office through the library system? And how much is it going to cost, and who's going to pay it?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I asked the questions about cost and I was told that whatever relatively nominal cost there is is already built into the budgets of the Secretary of State's Office and the relevant State agencies.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Collins. Senator Demuzio, are you done?

SENATOR DEMUZIO:

Well, I rise in support of this. I can't wait to go surfing

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over there.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you, Senator Demuzio. Further discussion? Senator Collins.

SENATOR COLLINS:

Senator, will this be in addition to the appropriations for the State Board for the school districts to be able to hook into the Internet System with the State Board and access information?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator, there will be no additional appropriation as a result of this bill, and I assume that the State Board of Education would be one of the many State agencies that would be -- if -- if they aren't already, would be making information available by this means.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Collins. Any further discussion? Further discussion? The question is, shall the Senate concur in House Amendment 2 of Senate Bill 433. This is final action. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Madam Secretary. On that question, there are 58 voting Aye, none voting No, none voting Present. And the Senate does concur in House Amendment 2 to Senate Bill 433, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 435. Senator Hawkinson? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 435.

Offered by Senator Hawkinson.

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PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. This revisits the issue that we passed in House Bill 813 and didn't make it in the Senate. It's the issue brought to us by the Restaurant Association and the Retail Merchants, the problems that they're having with royalty collections, disagreement with ASCAP. This is now an agreed bill, and it protects small restaurants and others who contract for royalty rights. It allows them to request three days prior to the contract a schedule of the rates and royalties; that upon their request, they get an opportunity to review the current available list of -- of all the members and affiliates represented by the Society. It provides that -- that there are certain prohibited improper licensing practices. It's now an agreed bill. I think it's an important step forward. Too often people who -- who manage restaurants and own restaurants or -- or even professional offices where you have music coming in over the speakers have been subject to some questionable practices, and this is a necessary improvement and I think one that will help all of our small businesses in Illinois. And I would ask for concurrence with the House amendment to Senate Bill 435.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Any further discussion? The -- this is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 435. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 59 voting Aye, none voting No, none voting Present. And this bill -- the Senate does concur in House Amendment 1 to Senate Bill 435. And the bill, having

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received the required constitutional majority, is hereby declared passed. Senate Bill 447. Senator Cullerton? 447. Senator Cullerton? Take it out of the record. Senator Hendon, for what purpose do you rise, sir?

SENATOR HENDON:

Thank you very much, Madam President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your point.

SENATOR HENDON:

I would like to call the Senate's attention to the Democratic side of the aisle, some students from my district in Chicago, the Henry Horner area, a school that we're going to have to fight to keep open, are here visiting the Senate today, and I would like for them to rise and be recognized by the Senate. Suder School.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Suder School, would you please rise. Welcome to the Senate. We welcome you here. Thank you. Senator Hendon.

SENATOR HENDON:

I also failed to recognize Ms. Owens who is with the students today. Let's give her a hand.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Welcome, Ms. Owens. We'll proceed to Senate Bill 619. Senator Butler? Madam Secretary, will you read the bill.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 619.

Offered by Senator Butler.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler.

SENATOR BUTLER:

Thank you very much, Madam President. Ladies and Gentlemen,

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Amendment No. 1 to Senate Bill 619 changes the bill very slightly to clear up some possible confusion in the original bill. It now makes directors, officers and trustees of church organizations -- it put them on the same footing, and they would be liable -- they will not liable for damages unless they earn more than five thousand dollars per year, and there was a willful act -- excuse me, there was an act or an omission involved which was willful and wanton conduct. I know of no opposition to this. This is our "going to heaven" bill. I would appreciate your positive vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none - this is final action - the question is, shall Senate Bill 619, with House Amendment No. 1, pass. Those in favor, vote Aye. Those opposed will vote No. The voting's open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 59 voting Aye, none voting Nay, none voting Present. And the Senate does concur in House Amendment No. 1 to Senate Bill 619, and the bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 629. Senator Mahar? Madam Secretary, will you read the motion.

ACTING SECRETARY HAWKER:

I move to concur with the House in the -- in the adoption of their Amendment No. 1 to Senate Bill 629.

Offered by Senator Mahar.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Mahar, on Senate Bill 629.

SENATOR MAHAR:

Thank you. Thank you, Madam President. Senate -- or, rather, House Amendment No. 1 does several things. First it provides that the insurance company which provides a landfill closure post-closure insurance bond must be licensed by the Department of

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Insurance to conduct business in the State of Illinois. Changes the deadline for compliance with Subtitle D financial assurance requirements from April the 9th of '95 to the date which is established by the USEPA for such compliance. And finally, it adds the provisions of Senate Bill 574, which overwhelmingly passed this Chamber some time ago. This language excludes a holder of a secured interest in a petroleum underground storage tank who, without participating in the management of a facility, underground storage tank, or underground storage tank system holds an indicia of ownership primarily to protect its security interest from the definition of an owner or operator of an underground storage tank. This language is requested by the Community Bankers, supported by the Illinois Petroleum Marketers, the Illinois Petroleum Council, the Illinois Retail Merchants' Association, and the Illinois Bankers' Association. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Any further discussion on Senate -- the -- this is final action. The question is, shall the Senate concur to House Amendment No. 1 to Senate Bill 629. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 56 voting Aye, none voting No and 1 voting Present. And the Senate does concur in House Amendment 1 to Senate Bill 629, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 721. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 5 -- pardon me, 6, 7, 8, 9, 10 and 15 to Senate Bill 721.

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Offered by Senator Lauzen.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. I move to concur with the House in the adoption of their Amendments No. 6, 7, 8, 9, 10 and 15.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Lauzen moves to concur with those amendments. Is there any discussion? Any discussion? Hearing none, those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Madam Secretary. On that question, there are 59 voting Aye, none voting No, none voting absent. And the Senate does concur in House Amendments 6, 7, 8, 9, 10 and 15 of Senate Bill 721. Senator Lauzen now moves -- Senate Secretary -- Madam Secretary, rather, on further amendments.

ACTING SECRETARY HAWKER:

I move to non-concur with the House in the adoption of their Amendment Nos. 4, 5, 11, 12, 13, 14 and 16 to Senate Bill 721.

Offered by Senator Lauzen.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. I move to non-concur with the House in the adoption of their Amendments No. 4, 5, 11, 12, 13, 14 and 16.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Lauzen now moves to non-concur in the -- in House Amendments 4, 5, 11, 12, 13, 14 and 16. Is there any discussion? Hearing none, all those in favor, say Aye. All opposed, No. In the opinion of the Chair, the Ayes have it, and the motion

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carries. The Secretary shall so inform the House. Senate Bill 838. Senator Hawkinson. Madam Secretary, will you read Senate Bill 838, the motion on that.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 4, 5, 6, 7, 8, 9, 10 and 11 to Senate Bill 838.

Offered by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. This is the bill we discussed when we put the amendment on yesterday, I believe, with Senator Palmer. This amendment includes former Senate bills which have passed out of this Chamber with virtually no opposition. Represents bills suggested by Democratic staff and Republican staff, which might otherwise get caught up in the process. It adds Senate Bill 762 from Senator Klemm. It adds Senate Bill 960, modified version, by Senator Fitzgerald. A modified House Bill 2454, which was also a Senate bill which -- which passed out of the Senate. Senator Maitland's Senate Bill 524. Senator del Valle and Clayborne's Senate Bill 691. Senator Dudycz and Farley's Senate Bill 747. Senate Bill 1025, from Senator Fawell. And these bills have -- have now been added by the House and I think we ought to concur in the amendment to Senate Bill 838 and send it to the Governor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Any further discussion? Hearing none - this is final action - the question shall be, does the Senate concur in House Amendments 4, 5, 6, 7, 8, 9, 10 and 11 of Senate Bill 838. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question,

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there are 58 voting Aye, one -- none voting Nay, 1 voting Present. And this bill -- the concurrence of this bill, having received the required constitutional majority, is declared passed. Senate Bill 907. Senator Walsh? Madam Secretary, read the motion. Take it out of the record. Senate Bill 934. Senator Barkhausen? Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 934.

Offered by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Madam President and Members. I move concurrence in Amendment No. 1 to Senate Bill 934. It does two things. One, it -- for one, it repeats the provisions of -- that were added here in the Senate to House Bill 377 that were -- requested as so-called trailer amendments to House Bill 1608, which came to us from the corporate fiduciaries. So in that sense, the amendment is somewhat redundant. In addition, it contains an amendment requested by the Department of Mental Health and Developmental Disabilities that makes it clear that where in this bill it provides for a so-called discretionary trust that could be set up for a disabled beneficiary with the beneficiary's own funds under certain circumstances, that there would be a right of reimbursement that the State would have against the estate of the disabled beneficiary after the beneficiary's death, and that right of reimbursement would include not only reimbursement for Medicaid-funded services, but for other State-funded services as well. I'd be glad to answer any questions and would otherwise ask for your concurrence.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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Any further discussion? Any further discussion? Any further discussion? Hearing none - this is final action - the question is, shall the Senate concur in House Amendment No. 1 to 934. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 58 voting Aye, none voting No, 1 voting Present. And the Senate does concur in House Amendment 1 to Senate Bill 934, and the bill, having received the required constitutional majority, is hereby declared passed.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senate Bill 1111. Senator... Senate Bill 1111. Senator Rea? Out of the record? Senate Bill 130. Senator del Valle? Madam Secretary, will you read the motion?

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 5 and 6 to Senate Bill 130.

Offered by Senator del Valle.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Hold on just a minute. Could we have a little more quiet in this astute Assembly. May we have it a little more quiet. Thank

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you. Senator del Valle.

SENATOR DEL VALLE:

Madam President, I move to concur with House Amendments 5 and 6. Amendment No. 5 changes the name of the Rehab Services Advisory Council to the State Rehabilitation Advisory Council. This amendment came from the Department of Rehabilitation Services. And Amendment No. 6 authorizes a school district that operates an alternative education program to -- to admit students who have been convicted of a felony. This is Senator Welch's bill. I move that we concur with Senate Amendments 6 and 5.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator del Valle moves to concur in House Amendments 5 and 6 to Senate Bill 130. Is there any discussion? Any discussion? Any discussion? Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wished? Madam Secretary, take the record. On that question, there are 56 voting Aye, none voting No, none voting Present. The Senate does concur in House Amendments 5 and 6 to Senate Bill 130. Senator del Valle. Senator del Valle moves to concur -- to non-concur in House Amendments 4 and 7. Any discussion? Hearing none, all those in favor, say Aye. Those opposed, say Nay. The Ayes have it, in the opinion of the Chair. The motion carries. The Secretary shall so inform the House. Senate Bill 465. Senator Maitland. Madam Secretary...

SENATOR MAITLAND:

Thank you, Madam President and Members of the Body. I would move to non-concur with House Amendment No. 1 to Senate Bill 465.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The Senator has moved to non-concur to Senate <sic> Amendment 1 to Senate Bill 465. Any discussion? Any discussion? The -- all those in favor, say Aye. All opposed, say Nay. The Ayes have it, in the opinion of the Chair. The motions carries. The

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Secretary shall so inform the House. Senate Bill 788. Senator Karpziel. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to non-concur with the House in the adoption of their Amendment No. 1 to Senate Bill 788.

Offered by Senator Karpziel.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Karpziel.

SENATOR KARPIEL:

Yeah. I'm non-concurring. Do you need an explanation of what I'm non-concurring in?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

You're non-concurring in that motion?

SENATOR KARPIEL:

Yes.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

All right.

SENATOR KARPIEL:

I move to non-concur in House Amendment 1 to Senate Bill 788.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Any discussion? Any discussion? Those in favor of non-concurring, say Aye. Those opposed, say Nay. The Ayes have it, in the opinion of the Chair. The motion carries. The Secretary shall so inform the House. Senate Bill 907. Senator Walsh. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to non-concur with the House in the -- the adoption of their Amendment No. 1 to Senate Bill 907.

Offered by Senator Walsh.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Walsh moves to non-concur in House Amendment No. 1 to Senate Bill 907. Any discussion? Any discussion? Hearing none,

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all those in favor, say Aye. All opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Senate Bill 1039. Senator Fawell. Madam Secretary, will you read the motion.

ACTING SECRETARY HAWKER:

I move to non-concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1039.

Offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

Yes. I wish to non-concur in Amendment No. -- House Amendment No. 1 in Senate Bill 1039.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Any discussion? Hearing none, Senator Fawell moves to non-concur in House Amendment No. 1 in Senate Bill 1039. All those in favor, say Aye. All opposed, Nay. In the opinion of the Chair, the Ayes have it. The motion carries. The Secretary shall so inform the House. On page 8. Senator 447. Senator Cullerton. Madam Secretary, will you read the motion.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 447.

Offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. This is the Condominium Property Act bill. The amendment that was adopted by Representative Parke, who is the sponsor of the bill in the House, is really technical in nature. It categorizes perimeter doors and windows in perimeter walls as limited common elements.

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It's a bill that was put together as a result of the Chicago Bar Association Condominium Subcommittee's work, and I know of no opposition and ask that we concur with this amendment.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Any further discussion? Senator Cullerton moves to adopt Amendment 1 to Senate Bill 447. This is final action. And the question is, shall the Senate concur in this amendment to Senate Bill 447. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 57 voting Aye, none voting No, none voting Present. And the Senate does concur in House Amendment 1 to Senate Bill 447, and the bill, 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 to committees: Referred to the Education Committee - motion to concur with House Amendment No. 2 to Senate Bill 377; referred to the Environment and Energy Committee - motion to concur with House Amendment No. 1 to Senate Bill 818; referred to the Financial Institutions Committee - motion to concur with House Amendments 1, 2 and 5 to Senate Bill 1208; referred to the Insurance, Pensions and Licensed Activities Committee - motions to concur with House Amendments 1 and 2 to Senate Bill 977, and House Amendment No. 1 to Senate Bill 1094; referred to the Judiciary Committee - motions to concur with House Amendment No. 1 to Senate Bill 384 and House Amendment No. 4 to Senate Bill 1187; referred to the Local Government and Elections Committee - motion to concur with House Amendments 1, 3 and 4 to Senate Bill 405; referred to the Public

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Health and Welfare Committee - motion to concur with House Amendment No. 1 to Senate Bill 358; referred to the State Government and Operations Committee - motions to concur with House Amendment 1 to Senate Bill 637, and House Amendment No. 1 to Senate Bill 1200; referred to the Transportation Committee - motions to concur with House Amendment No. 1 to Senate Bill 760, and House Amendment No. 1 to Senate Bill 1202; Be Approved for Consideration - motions to concur with House Amendments 2 and 3 to Senate Bill 79, House Amendment No. 1 to Senate Bill 528, House Amendment No. 1 to Senate Bill 540, and House Amendment No. 1 to Senate Bill 711, and House Amendment No. 1 to Senate Bill 718.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Severns, for what purpose do you rise, ma'am?

SENATOR SEVERNS:

Thank you, Madam President, Members of the Senate. It's my honor today to have joining us both here at my side and also in the President's Gallery, Jonna Little, who is a Page for the day today, from Gays, Illinois and her parents, Jack and Neva Little in the President's Gallery. I'd like to the Senate to join in welcoming them here today.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Will our guests please rise? Welcome to Springfield. Nice to have you here. Senate Bill 585. Senator Philip. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to non-concur with the House in the adoption of their Amendment No. 1 to Senate Bill 585.

Offered by President Philip.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Philip.

SENATOR PHILIP:

Madam President, will you please take it out of the record.

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PRESIDING OFFICER: (SENATOR GEO-KARIS)

Out of the record. Senate Bill 925. Senator Philip. Madam Secretary, will you read the bill -- the motion, rather.

ACTING SECRETARY HAWKER:

I move to non-concur with the House in the adoption of their Amendment No. 1 to Senate Bill 925.

Offered by Senator Philip.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I move to non-concur in House Amendment No. 1 to Senate Bill 925.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Any discussion? Any discussion? All those in favor of Senator Philip's motion to non-concur in House Amendment 1 to Senate Bill 925, please say Aye. All opposed, Nay. In the opinion of the Chair, the Ayes have it. The motion carries. The Secretary shall so inform the House. Senator Fawell, for what purpose do you rise?

SENATOR FAWELL:

For purposes of an announcement.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your announcement.

SENATOR FAWELL:

The Transportation Committee will meet at 1 o'clock - 1 o'clock - in Room 400.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Transportation Committee will meet at 1 o'clock in Room 400. Thank you. Senator Klemm, what purpose do you rise, sir?

SENATOR KLEMM:

For purposes of an announcement.

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PRESIDING OFFICER: (SENATOR GEO-KARIS)

What is your announcement, sir.

SENATOR KLEMM:

Well I thought I'd try to give everybody as much notice. The Local Government and Elections Committee will meet at 2 p.m. in Room A-1 of the Stratton Building. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Local Governments and Elections will be at 2 p.m. in A-1 in the Stratton Building. Senator Barkhausen, for what purpose do you rise?

SENATOR BARKHAUSEN:

Thank you, Madam President. There will be a meeting of the Senate Financial Institutions Committee in Room A-1 at 12:30.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

A meeting of the Financial Institutions Committee in Room A-1 at 12:30. Senator Raica, for what purpose do you rise?

SENATOR RAICA:

Purpose of announcement, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State...

SENATOR RAICA:

We have a Public Health and Welfare Committee this afternoon at 1:30, Room A-1 of the Stratton. Room -- 1:30, Room A-1. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The Public Welfare Committee is meeting at -- in the Stratton Building at Room A-1 at 1:30 p.m. Senator Mahar, for what purpose do you rise?

SENATOR MAHAR:

The Senate Environment and Energy Committee will be meeting at 12:30 in Room 400.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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The Senate Environmental -- Environment and Energy Committee is meeting at 12:30 in Room 400. Senator Maitland, for what purpose do you rise?

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. First of all, for the purpose of an announcement, Madam President, to indicate that in the -- in the hallway behind -- in the hallway behind the Chambers this morning there is a birthday cake there to celebrate Senator Stan Weaver's birthday and -- which was yesterday, and Pate's birthday, which is -- which is Friday. And as all of you know, both of them are older than dirt, and they'd like to have you share their cake, and so you're welcome to that. And then secondly, on -- on Senate Bill 274, Madam President, I would move to non-concur with House Amendments No. 1 and 3 to Senate Bill 274.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Maitland moves to non-concur in House Amendments 1 and 3 to Senate Bill 274. Any discussion? Any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Senator Maitland? Senator Maitland, I understand you're non-concurring in this, but is this -- are the amendments dealing with additional judgeships in -- and could you tell me if -- do you anticipate that there'll be a conference committee?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Maitland. Senator Maitland.

SENATOR MAITLAND:

Yes, there will be a conference committee, Senator Cullerton.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

All those in favor, say Aye. All opposed, Nay. In the opinion of the Chair, the Ayes have it. The motion carries. The Secretary shall so inform the House. Senator Madigan, for what

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purpose do you rise?

SENATOR MADIGAN:

Thank you, Madam President. Purpose of an announcement. The Insurance -- Senate Insurance Committee will meet at 1:30 in Room 400.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The Insurance Committee will meet at 1:30 in Room 400. Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. I rise for purposes of an announcement. The Senate Judiciary Committee will meet in Room 400 at 2 p.m. That's 2 p.m. in Room 400 today.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The Judiciary Committee will meet at 2 p.m. in Room 400 today. Senator Sieben, for what purpose do you rise?

SENATOR SIEBEN:

Thank you, Madam President. For the purpose of an announcement. The State Government Operations Committee will meet today at 2 p.m. in Room -- in Room 212.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The State Government Committee will meet today in Room 212 at 2 p.m. Senator Cronin, for what purpose do you rise?

SENATOR CRONIN:

For purposes of an announcement. The Senate Education Committee will meet at 1 p.m. in Room A-1. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The Senate Education Committee will meet in Room A-1 at 1 p.m. Is that correct? 1 p.m. today. Any further announcements? Senator Philip, what purpose do you rise, sir? Senator Philip.

SENATOR PHILIP:

Thank you, Madam President and Ladies and Gentlemen of the -- of the Senate. Point of personal privilege.

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PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your point, Senator Philip.

SENATOR PHILIP:

So people have kind of an idea what we're going to be doing. We're going to be breaking here shortly for committee hearings, and we will come back at 3 o'clock, give everybody a chance to have lunch and do what they want to do, and then we will get back to work. And I'm not sure how long we'll work. There isn't a lot left on the Calendar, quite frankly, but we'll try to clean up everything. Now, if you've got some motions you'd better file, you'd better file them. The ship is slowly sailing.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Demuzio, for what purpose do you...

SENATOR DEMUZIO:

I was just curious in when we're going to see this thirty-three-billion-dollar budget. Are we only going to have an hour to see that and work on it too, or does that come tomorrow?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

I'm sure you will see it timely. Any further -- Ladies and Gentlemen of the Senate, we are in recess till 3 p.m.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will come to order. Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Mr. President. Senator Maitland has filed a motion with

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respect to Senate Bill 274. Senator Mahar has filed a motion with respect to Senate Bill 46. and Senators Farley, Rea, O'Daniel, Jacobs and Shadid have filed a motion with respect to Senate Bill 46.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SECRETARY HARRY:

Senator Mahar, Chair of the Committee on Environment and Energy, reports Senate Bill 818 - the motion to concur with House Amendment 1 Be Adopted.

Senator Barkhausen, Chair of the Committee on Financial Institutions, reports Senate Bill 1208 - the motion to concur with House Amendments 1, 2 and 5 Be Adopted.

Senator Cronin, Chair of the Committee on Education, reports Senate Bill 377 - the motion to concur with House Amendment 2 Be Adopted.

Senator Fawell, Chair of the Committee on Transportation, reports Senate Bill 760 - the motion to concur with House Amendment 1 Be Adopted; Senate Bill 1202 - the motion to concur with House Amendment 1 Be Adopted.

Senator Raica, Chair of the Committee on Public Health and Welfare, reports Senate Bill 358 - the motion to concur with House Amendment 1 Be Adopted.

Senator Madigan, Chair of the Committee on Insurance, Pensions and Licensed Activities, reports Senate Bill 977 - the motion to concur with House Amendments 1 and 2 Be Adopted; Senate Bill 1094 - the motion to concur with House Amendment 1 Be Adopted.

Senator Sieben, Chair of the Committee on State Government Operations, reports Senate Bill 637 - the motion to concur with House Amendment 1 Be Approved for consideration; and Senate Bill 1020 <sic> (1200) - the motion to concur with House Amendment 1 Be

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Approved for Consideration.

Senator Klemm, Chair of the Committee on Local Government and Elections, reports Senate Bill 405 - the motion to concur with House Amendments 3 and 4 Be Approved for Consideration.

And Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Bill 384 - the motion to concur with House Amendment 1 Be Approved for Consideration; and Senate Bill 1187 - a motion to concur with House Amendment 4 Be Approved for Consideration.

PRESIDING OFFICER: (SENATOR WEAVER)

Messages from the House.

SECRETARY HARRY:

A Message from the House by Mr. McLennand, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 37.

Adopted by the House, May 24th, 1995. It's substantive.

PRESIDING OFFICER: (SENATOR WEAVER)

Resolutions.

SECRETARY HARRY:

Senate Resolution 78, offered by Senator Woodyard.

It's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar. For what purpose does Senator Peterson arise?

SENATOR PETERSON:

Thank you, Mr. President. In the -- point of personal privilege. In the President's Gallery, we have the class from St. James School in Chicago, headed by Mr. Gast, and my nephew is there, Nicholas Monte. And we'd like to have you stand up and be

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recognized.

PRESIDING OFFICER: (SENATOR WEAVER)

Our guests please stand? Welcome to Springfield. We are awaiting the arrival of the Supplemental Calendar, and then we'll go right through that Calendar. For what purpose does Senator Klemm arise?

SENATOR KLEMM:

Well, I'd just like to announce, we have a special guest in the gallery. Senator Peterson is up there, and I'd thought we'll like to welcome him to the Senate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Supplemental Calendar No. 1 is being distributed, and we will be going to that order very shortly. The first ones up will be Senator Raica, Senator Dillard and Senator Ralph Dunn. And I would ask that all of you and all Members within earshot, please come to the Floor. On Supplemental Calendar No. 1 is Senate Bill 636. Madam Secretary. 637. Excuse me.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 637.

Filed by Senator Raica.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Raica.

SENATOR RAICA:

Thank you, Madam President. I apologize for being late. I move to concur with Amendment No. 1 for Senate Bill 637.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none - this is final action - the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 637. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take

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the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 637 is concurred with House Amendment No. 1, and having received the required constitutional majority, is declared passed. Senator Dillard, on Senate Bill 711? On the Order of Concurrence is Senate Bill 711. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 711.

Offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I move to concur in Amendment No. 1 to Senate Bill 711. The amendment put on by the House makes technical changes to the bill and restates that endowment funds, which we're allowing forest preserve districts in downstate Illinois to create, that those funds must come from private sources, but it adds that monies may be received from federal, State or local governments if they were received as a result of an agreement obligating that forest preserve district to long-term maintenance of improvements constructed on a forest preserve property. And again, I'd be happy to answer any questions, but again, I move that we concur in Amendment No. 1 to this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, this is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 711. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 <sic> (58) Ayes, no Nays, 1 voting Present. The Senate does concur in House Amendment

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No. 1 to Senate Bill 711, and having received the required constitutional majority, is declared passed. Senator Ralph Dunn, on Senate Bill 718. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 718.

Offered by Senator Ralph Dunn.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dunn.

SENATOR R. DUNN:

Thank you, Madam President, Members of the Senate. Senate Bill 718 as amended -- a bill that passed this House 58 to 1, sponsored by Senator Maitland, was Senate Bill 682. The bill was left in the committee over there and put on this bill. It would allow the Illinois Community College Board to utilize certain emergency financial oversight powers only in the following -- in the following cases: a community college district failed to meet the Illinois Community College Board recognition standard and the district's auditor or the ICCB decided in accordance with a wide range of accounting standards that there was something wrong, find a misuse of funds, then this would come into play. The bill provides several options to troubled colleges and those that are currently in place. It is not designed to close State Community College of East St. Louis. State Community College is clearly experiencing a number of financial difficulties, and I know that Senator Clayborne was the only negative vote on this when it passed the Senate earlier. And I -- I would urge -- urge a favorable roll call and be glad to answer any questions you might have.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Senator Clayborne.

SENATOR CLAYBORNE:

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Thank you, Madam President. And would the -- would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Clayborne.

SENATOR CLAYBORNE:

Senator Dunn, this is an emergency procedure that is being implemented. My understanding, is only for State Community College?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dunn.

SENATOR R. DUNN:

It's -- Senator Clayborne, it's for all community colleges. This was mentioned in there because State Community College is having trouble. Let me read what I'm told about it. It said State Community College is clearly experiencing a number of financial and academic problems and could very well be in a district where the emergency option would have to be employed. But simply closing the doors would not serve the students of East St. Louis, of your community, but closing the doors is more likely to occur without this bill than with it. That's the reason that we say that it's probably a good idea to have it. The bill would apply to any community college that experiences difficulty. Yours is probably the one with the most difficulty.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Madam President. Senator Dunn, I'm quite familiar with Statutes similar to this, because one of my clients is under a similar Statute and that is the Financially Distressed Cities Act. However, ever under the Financially Distressed Cities Act, Senator Dunn, there is a mechanism by which a -- the city can determine whether it is having some success towards moving towards

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financial stability. In this legislation, it is very broad and gives the ICC(B) broad powers in order to develop a plan, but that is not mandatory. The ICCB -- Board can come in, as stated in number (5), to develop and implement a plan providing for dissolution or reorganization. What -- is -- is this legislation designed, and is it its intent to dissolve State Community College in the very near future, Senator Dunn?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dunn.

SENATOR R. DUNN:

Thank you. Senator Clayborne, I assure you that that's not the intent of this legislation. And certainly, we hope it doesn't happen, and we hope that if needed, why, this Board would be able to help keep your college open. I would urge an Aye vote for it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Clayborne.

SENATOR CLAYBORNE:

As stated further in number (2), there's a provision to direct the district to contract for educational services -- to contract out educational services. Does this mean, Senator Dunn, that another college can come in and basically take over the education of the students by way of a mandate from the ICC Board as part of their plan, which eventually will cause the school to merge with another institution? Is that the intent of this legislation, Senator Dunn?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dunn.

SENATOR R. DUNN:

Thank you, Madam President. No, Senator Clayborne, this is not the -- not the sole purpose or the purpose of this legislation. I might read again, both of these things have to occur before they could come in: A community college district has

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to fail to meet the Illinois Community College Board recognition standards and the district's auditor or the Illinois Community College Board, in cooperation with the district's auditor, in accordance with a wide range of accepted accounting procedures, finds misuse of funds or material deficiencies in the design or operation of financial control, then it would affect the district. That's the only way they can come in and do those things that are listed below that you listed, (1) through (5), is if those things happen. And as I said earlier, we know Community College has been having some trouble and we hope that this is a help to them, rather than a hindrance, and that's what it's intended to be.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Madam President. I -- I'd just like to comment on the fact that I would feel much -- I would feel more comfortable if there were defined measures in this bill whereby the State Community College, or any other college, could determine its success in regards to meeting certain goals. Under the Financially Distressed Cities Act, which the City of East St. Louis is under, there are definable goals. There are goals that can be obtained and the City is able to determine whether they are obtaining those goals. In this piece of legislation, it is broad. It talks about developing a plan that should be implemented to come under financial stability; however, at the same time, it does state that you can develop a plan to dissolve this institution. And with education being as important as it is in many lives of young children, and especially African-Americans, it is -- it is to my detriment that I would have to vote No, even though this could possibly be a piece of legislation that could be beneficial to all colleges. However, we know that -- that a lot of laws have been abused, and this is one that is too discretionary. And I

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just don't feel comfortable with this piece of legislation passing and jeopardizing the continual existence of this college in the City of East St. Louis. Thank...

PRESIDING OFFICER: (SENATOR DONAHUE)

Further -- further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam Chairman -- President. I rise in support of the -- the motion for concurrence. Senator Clayborne, I -- I understand from whence you come, but I'll tell you, if you'd be around here for awhile and if you'd sit on the Audit Commission when the Community College of East St. Louis comes in every -- every time there's an audit and the findings that are just flagrant and the attitudes of those who represent the -- the college, the Community College, and the lack of respect that they have for the process here in Springfield and what we're trying to do to help them individually, I think you might take a different attitude about this. This is not singled out for Community College of East St. Louis, but obviously that's probably the intent here because of all the problems that they've had. It's kind of, I guess, we're from the government and we're here to help, and we truly are, in this case, when it comes to -- to the problems that they're having. And I think that this legislation makes a major effort to try to advance that kind of concern for the people of -- that live and are educated within that school district. I understand from whence you come, but I wish you'd sit in on the Audit Commission and -- and see these folks come in there and their attitudes. They're just -- just not very receptive by this Member.

PRESIDING OFFICER: (SENATOR DONAHUE)

Can I ask all of you please to keep your voices down. I'm even starting to hear conversations up here, you're getting so loud. So, let's keep our voices down and pay attention. We're at

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that time of the year, so let's keep our voices down. Further discussion? Senator Palmer.

SENATOR PALMER:

Did you call me, Madam President?

PRESIDING OFFICER: (SENATOR DONAHUE)

Yes, ma'am, I did.

SENATOR PALMER:

Thank you. I have questions to ask of the sponsor, please. Senator Dunn, I have heard a number of objections raised to this legislation - some concerns - and I would just like to ask you these questions. When -- if this goes into effect, what will be the process, the progression, for how a district can go through a kind of due process? Are there provisions, for example, such as a hearing, or is there a progression from a plan to breaking the agreement to oversight to dissolution? I didn't see that in the language of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dunn.

SENATOR R. DUNN:

Thank you. And, Senator Palmer, the Illinois Community College Board uses three processes right now: to review the financial, programmatic and the administrative conditions of the district. I think that this bill -- and what we're saying is this provides better options to troubled colleges than those that are currently in place. Currently, if a college fails recognition, then the Community College Board's only option is to cut off its State grant. This bill would give the -- the Illinois College -- Community College Board and the colleges additional options, and that's the reason that we think it's a good bill. And if the college would fail recognition right now, all they could do is cut off their grants. This gives some other relief to it. The bill passed out of committee, I think, eight to nothing and passed out

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of the Senate under Senator Maitland's sponsorship 57 to 1, as I understand it. I'll be glad to answer any other questions you might have.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Palmer.

SENATOR PALMER:

Just one more question, Senator. Is -- is there considered to be an emergency situation now -- is that why this bill is moving forward? And finally, there was a question about whether it was before the Senate even legally, given that it passed after the deadline in the House. I -- I won't pursue that, but that was one asked of me, so I'm asking it of you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dunn.

SENATOR R. DUNN:

Yeah. No, it's not designed -- it's not -- maybe it's not immediately -- it could be put off. But Senator Maitland introduced the bill and it passed this house and then got tied up over in the -- over in the House and came back on 718, which was mine and Senator Weaver's bill with another matter on it. Started with a shell bill for this kind of thing. It's not -- it's not designed to do anything to, but -- other than to help, if necessary, State Community College Board and East St. Louis. There's no other -- we -- we think it's a good bill and one that's timely. And it's not designed to do anything bad to anyone. It's to help. We'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator del Valle.

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SENATOR DEL VALLE:

Senator, most community college district boards are elected, aren't they?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dunn.

SENATOR R. DUNN:

Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator del Valle.

SENATOR DEL VALLE:

This -- this bill allows for ICCB to recommend the dissolution or reorganization of the district. What role and what authority does the local elected board have under this legislation?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dunn.

SENATOR R. DUNN:

Elected boards serve as elected boards, as other boards do. And of course, we have a financial watch for all -- there's oversight from the State Office -- Office of Education, as well as the Board of Higher Ed, to look at colleges and universities, even those that have elected or appointed boards. That's the duty of the Illinois Community College Board, and this gives them a way to look into the -- if something bad or something untoward happens in -- to a community college, well this gives them a right to go and do something other than just remove the -- the benefits from them, to take away the -- the funding. So this is designed to help. Certainly not designed to hurt any community college or any other...

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR R. DUNN:

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Thank you, Madam President. I'd appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

This is final action. And the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 718. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there 48 Ayes, 9 Nays, 1 voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 718, and having received the required constitutional majority, is declared passed. Senator Hawkinson, for what purpose do you rise?

SENATOR HAWKINSON:

Point of inquiry, I guess, Madam President. Many of the analysis are not yet available on the Supplemental Calendars. Some of them are in the original analyses packet that was passed out today. My suggestion would be -- if the Chair would concur, would be to call only those bills for which we have analyses and pass over those temporarily until the analyses have been distributed for the other bills.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator Hawkinson. Senator Lauzen, on 760? Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 760.

Filed by Senator Lauzen.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. I move to concur on House Amendment No. 1 on Senate Bill 760.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Is there any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Perhaps the sponsor could tell us what the amendment does and what the underlying bill does, since this is final action.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Thank you very much. House Amendment No. 1 contains language from Senate Bill 395, which passed the Senate 53 to nothing. It's clean-up language from the Secretary of State regarding the State School Bus Driver Fingerprinting Program. It's that program. And then the underlying bill was the Toll Highway Authority Act, and allows Toll Highway Authority to administratively adjudicate violations for failure to pay tolls. And that bill passed the Senate 56 to nothing.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further discussion? Senator Lauzen moves to concur in House Amendment No. 1 to Senate Bill 760. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 760, and having received the... Now Senator Lauzen now moves to -- Senator Lauzen.

SENATOR LAUZEN:

I move to non-concur on House Amendment No. 2, Senate Bill 760. What that amendment -- okay. Because it's a non-concur, no description.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen moves to non-concur in House Amendment No. 2 to Senate Bill 760. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment -- or, and the motion carries.

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The Secretary shall so inform the House. Senator Lauzen, for what purpose do you rise?

SENATOR LAUZEN:

On a different matter. Last night, we had a motion to reconsider House Bill 320. If I had been more clearly aware of what we were voting on, I would have voted Yes. And I'd like the record to reflect that.

PRESIDING OFFICER: (SENATOR DONAHUE)

The electronic marvel will reflect your intentions. Senator Dillard, on Senate Bill 818? Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 818.

Offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President and Ladies and Gentlemen of the Senate. I move to concur with House Amendment No. 1 on Senate Bill 818, which is basically clean-up language and is the result of several meetings held by the Illinois Telephone Association's 9-1-1 Committee. Participants in the meeting included telephone company representatives, the Illinois National Emergency Number Association and cellular carriers. I'd be happy to answer any questions, and again, basically it's technical and a slight extension of the original bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Berman.

SENATOR BERMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Berman.

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SENATOR BERMAN:

As I read our analysis, the underlying bill exempts from civil liability telecommunication carriers, installers, providers from ordinary negligence liability. Could -- is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Senator Berman, the underlying bill provides that an emergency telephone system board is not liable for civil damages, except for willful and wanton conduct. I have an emergency telephone board in my area of DuPage County that wanted the same types of immunity, barring willful and wanton conduct, that a local government -- other local government units that would run a 9-1-1 system has. That's the underlying portion of the bill, if that's your question, sir.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Berman.

SENATOR BERMAN:

Well, I rise in opposition to the provision in here in which we are granting immunity from negligent action to a provider of 9-1-1 services. Now, let me give you an example of what I believe we are being asked to do here. You live in a community in which a private company has a contract to provide 9-1-1 services. They're in business. They're a private enterprise. They make money. They supply a service. Somebody in your family has a heart attack. You run to the phone. You pick up the phone. You call 9-1-1. The person at the other end of 9-1-1 picks it up and you say, "I live at 123 Main Street. My wife just had a heart attack. I need an ambulance." Well, they mark down 321 Main Street and no one comes, and your wife passes away. It can be shown that if the ambulance had got there on time, you would have saved her life. That's negligence. This bill - this bill - says that they're free

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of any liability, because we're going to grant them that freedom from liability for their negligent action. Ladies and Gentlemen, we have a court system that holds people responsible for their actions. Negligent actions should be recoverable. This bill eliminates that. I urge a No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Tom Dunn.

SENATOR T. DUNN:

Thank you, Madam President. To the bill: Well, what Senator Berman just alluded to actually happened in my hometown, where a gentleman called an ambulance in the city. There were none available, and the operator got on the line and got another ambulance. And they waited for the ambulance, and they waited for the ambulance, and they waited for the ambulance. And the woman died, and the ambulance service never told the operator that the ambulance was coming from twenty miles away. They could have put their woman in the car and driven her to the hospital in four minutes. But they waited for the ambulance. This would let those people off the hook. That should not be.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR DILLARD:

Thank you, Madam President. I do want to point out to the Membership that Ameritech, for example, is already exempted from civil liability in its tariffs, and I believe that for the purposes, at least of Ameritech, that we already have this type of protection for them, and I'd urge a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

This is final action. And the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 818. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all

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voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 ayes, 28 Nays, none voting Present. And the motion fails. The Chair would now entertain a motion to non-concur. Senator Dillard moves to non-concur in House Amendment No. 1 to Senate Bill 818. And -- all those in favor, say Aye. Opposed, Nay. The Ayes have it. And, Madam Secretary, will you so inform the House. Senator Madigan, on 977. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 977.

Offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President, Members of the Senate. House Amendments No. 1 and 2 -- or, first of all, House Amendment No. 1 places a two-year Statute of Limitations on any action against a producer. In the Code of Civil Procedure, makes a technical change as well. And then House Amendment No. 2 added the contents of Senate Bill 979, which didn't move in the House. That was the continuing education for insurance agents. Passed this Chamber 55 to nothing. I'd be glad to answer any questions and otherwise would move to concur with House Amendments 1 and 2 to Senate Bill 977.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, this is final action. And the question is, shall the Senate concur in House Amendment No. 1 and 2 to Senate Bill 977. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish?

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Take the record. On that question, there are 53 Ayes, 3 Nays, 1 voting Present. The Senate does concur in House Amendments No. 1 and 2 to Senate Bill 977, and having received the required constitutional majority, is declared passed. Senator Fitzgerald, on Senate Bill 1094. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1094.

Offered by Senator Fitzgerald.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 1094 was the optional retirement plan that we passed by a large vote out of this Body. The House rolled two other bills onto it: Senate Bill 115, which passed this Body 51 to 3, which amends the Downstate and suburban Teachers' Article of the Pension Code to authorize teachers and annuitants to purchase credit for certain periods when ceasing -- when teaching ceased due to pregnancy. I'm told that teachers prior to 1983 couldn't buy back time if they had to take a leave -- for a pregnancy. And also it adds the contents of Senate Bill 1093, which passed 58 to nothing. That amends the Downstate Teachers' Article of the Pension Code to make certain surviving spouses qualify for benefits as dependent beneficiaries. It's only -- applies to persons who first applied for benefits before 1994. I'd be happy to answer any questions, and I'd appreciate a vote in favor of concurring in the two <sic> House amendments.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Madam President, Members of the Senate. I'm a

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cosponsor of the bill, and I urge all of the legislators from Chicago to help the downstate teachers in this effort.

PRESIDING OFFICER: (SENATOR DONAHUE)

This is final action. And the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1094. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 1094, and having received the required constitutional majority, is declared passed. Senator Dillard, on 1187. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 4 to Senate Bill 1187.

Offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President and Ladies and Gentlemen of the Senate. This is the much heralded truth-in-sentencing bill that has garnered, at least as a topic, a lot of attention in the media, and I believe, whether you're a Democrat or a Republican, a lot of media attention during the last - latter part of the campaigns of all of us, as well as the gubernatorial candidates, last fall. Before I begin, let me thank Senator Carl Hawkinson for his leadership on this, Senator Tom Dunn and Senator Ed Petka. And I -- a lot of us in this Body I don't -- or sometimes don't realize how fortunate we are to have people of Tom Dunn, John Cullerton, Carl Hawkinson and Ed Petka's expertise and experience in the area of criminal law, and we all owe them a debt of gratitude in the structuring of this particular bill. As I said,

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this is the truth-in-sentencing proposal. It is -- that's the major part of this amendment. This bill -- or amendment from the House also adds a number of other bills that passed almost unanimously over in this Body earlier this year: Senate Bill 81 of Senator Petka's, which is a forfeiture cleanup; Senate Bill 891 of Senator Petka's, which is controlled substance violations for each drug; Senate Bill 427 of Senator Donahue, that includes hospitals operated by units of local governments within the Hospital Lien Act; and also it adds Senate Bill 706 of Walter Dudycz, that allows police officers to stop and question and arrest persons outside of the officer's jurisdiction when investigating an offense that occurred in the officer's jurisdiction when he becomes aware of it while on duty elsewhere. These were all provisions of Cook County State's Attorney Jack O'Malley. Let me very briefly tell you what this truth-in-sentencing bill contains. It says, first, that criminals must serve one hundred percent of their sentence and are not eligible for meritorious good time or other good time programs in the case of first degree murder; that they must serve eighty-five percent of the sentences and are not eligible for meritorious good time or other good time programs for the following: attempt to commit first degree murder, intentional homicide of an unborn child, aggravated criminal sexual assault, criminal sexual assault, aggravated battery with a firearm, heinous battery, aggravated battery of a senior citizen, aggravated battery of a child, solicitation for murder, solicitation for murder for hire and aggravated kidnapping. And in the instances involving great bodily harm, inmates must serve eighty-five percent of the sentence and are not eligible for meritorious good time or other good time programs for home invasion, armed robbery, aggravated vehicular highjacking, aggravated discharge of a firearm, armed violence with a category I or category II weapon. This also

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establishes a Truth-in-Sentencing Commission to allow us in the State of Illinois to make a number of improvements in truth-in-sentencing and also to watch very carefully and monitor what the federal government is doing with respect to this particular subject matter, that I believe all our constituents out there have brought to our attention, that they are perplexed why people do not serve a majority of the time they are sentenced. I'd be happy to answer any questions, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President, Members of the Senate. I, too, want to applaud the Chairman of the Judiciary, Senator Hawkinson, and others who have worked to make this bill become a reality. I know that Senator Jones and I, at least on this side and several on -- on your side, have had bills in for the past couple of years, and I'm glad to see that at least one -- even if it's a little narrower, at least one is -- is moving forward. And I hope that all of us can get behind this bill and send a strong message to the Governor that it's time to implement truth-in-sentencing in Illinois.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you, Madam President. I want to join my colleagues and say that I think this is an excellent bill. Both sides worked very well together on this bill, and I think there's a good reason for that. There's no question that we in society today have a great problem with violent crime, and this bill truly does something about it, about those individuals that have forfeited their right to walk in our neighborhoods and to take freedom away from us, because that's essentially what they have done. These

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individuals, it's said, will cost an extra three hundred and twenty-four million dollars over ten years. I really don't think that figure -- it's well-intended, but I don't think it's accurate. I think it will be less, because in talking to the Department of Corrections, one of their gentlemen told me that he thinks that seventy-five percent of those people who commit these acts will be back in prison, were they to serve their normal half terms in prison. And if that's true, then we're just merely preventing more crime, and we're locking those people up longer and that's good for society.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, Ladies and Gentlemen of the Senate. I, too, think it's a -- it's a good bill, but I wonder if anybody has noticed what the price tag is going to be. According to our analysis, even without this bill, we're going to have to build at least fifteen new prisons over the next ten years. We have built one prison every year that I have been down here, which means fifteen prisons. Now, in the next ten years, you're going to have to build fifteen more without this bill. This bill carries a price tag of three hundred and twenty million dollars over the next ten years, and the murder enhancement does not impact until years (20)11 to (20)18, which will be an additional four hundred million dollars. I doubt very much that I'm going to be down here, but for those of you who probably will be, good luck.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Geo-Karis.

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SENATOR GEO-KARIS:

I understand there was a movement afoot in the House to repeal the guilty but mentally ill law. Your bill does not do that, does it?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

...ma'am. No, ma'am, it does not.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and -- and Ladies and Gentlemen of the Senate, I speak in favor of this bill and urge complete passage of it by all of us.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. I, too, rise in support of concurrence on Senate Bill 1187 and want to compliment the sponsor and also compliment Attorney General Jim Ryan and State's Attorney Jack O'Malley and many others who have crafted this proposal. Yes, there is a price tag to this bill. Yes, we have been building and will continue to build prisons in Illinois. But as Senator Dunn pointed out, there is a very high cost when we don't keep the most violent offenders in prison and away from committing new crimes on our citizenry. Perhaps one mention that has not been adequately addressed is the work of those who have been crafting this provision and -- and the -- the reason, in part, this commission is established is because our work is not yet done. We do not yet know from our contacts with the Congress and with the Judiciary Committee of the Congress, and particularly the House, what the final crime bill definition of violent crimes will be to

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qualify for the federal money for law enforcement and for Corrections. So we're going to need to remain flexible and perhaps follow up with a trailer, and the work will go on to make sure that the money that is available from Congress for Corrections is captured. And I know that with the leadership of Attorney General Ryan and State's Attorney Jack O'Malley and the Governor and others, that we will -- we will stay abreast of those developments.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you, Madam President, Members of the Senate. I wanted to respond a little bit to an issue raised by Senator Fawell. I stand in support of the bill, and I don't think we have to be as concerned about the cost, because the only way this is going to cost us extra money is if we appropriate extra money. I personally don't think that we will have the political will or the ability to even build prisons fast enough to accommodate all the people that will be incarcerated as a result of this bill, but I don't think that's necessarily a bad thing. We are fifteen thousand beds short right now. We are just about on the verge of having a federal judge monitor our State prisons. Now, that's what's going on right now in Cook County. Way it works in Cook County is Judge Shadur gets a report once a month from the John Howard Society as to how many people are in the county jail, and if there's too many people, Judge Shadur let's them go. He says, "Let 'em out." And that's what will happen with our State penitentiary, but it's not necessarily -- and I repeat -- not necessarily a bad thing. Because, first of all, we won't be the ones that are letting these prisoners go. It'll be the Department of Corrections will be ordered by a federal judge to do so. And then he -- whoever is the head of the Department of Corrections

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will prioritize, and the people who are the most dangerous felons, they'll be in jail. They'll stay in jail. And those who are the less dangerous, they'll be released, without any political heat for us, I might add. Or the federal judge will say, "You've got to build more prisons," and then he'll tell us to raise taxes to build the prisons. Both ways, politically, we're off the hook. The more serious prisoners will have to stay in jail, and it'll be a -- something which is, perhaps a little irresponsible, but the political reality is that's the way it works. We cannot pass a bill to lower penalties. We cannot pass a tax increase to pay for more prisons. And so, what we do instead is pass a bill like this, puts people in jail for a longer period of time and let's some federal judge decide who should be let out. It's -- it's not responsible, perhaps, but it's -- it's a system that will work, and as a result, we should pass this bill. There are some things that were thrown in here, like all conference committees that -- are things which I would perhaps not wish to vote for, because there must be at least ten or fifteen bills. But overall, the main part of the bill is the truth-in-sentencing, and I think it'll have this effect: It results in federal courts taking us over, but it's not that bad a result for society. And I also urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Petka.

SENATOR PETKA:

Thank you very much, Madam President and Members of the Senate. I guess if this were ten years ago when I was still the State's Attorney of Will County, this would have been a very, very, very important and happy occasion. In a sense, it still is. But a couple of speakers have alluded to what is going to be a reality. The reality is this: that sometime in the next decade, we are going to be required to gather political fortitude that, at

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least from my sense, is beyond most, because we are to -- we are going to have to engage, perhaps, in the most ambitious prison building and construction that this State has ever seen. Should it be done? No question. Absolutely. The National Institute of Justice for years has pointed out that any cost analysis, cost benefit, of any criminal activity shows that for every person who is an offender that is locked up, that the chances are that we have deterred at least ten times in terms of the cost it takes to incarcerate a person. That's simply a statistical fact. But the real important question that we're going to have to ask ourselves down the road is how long we, as a Body, will continue to cater to very narrow special interests, as it pertains to how we house our prisoners, because the fact of the matter is that I thought, and then later withdrew the thought, of tacking on what I consider to be a natural addendum to this bill, and that is a very cost-efficient way of constructing prisons through privatization. But that's not something that we're going to have to go out and try to slam down people's throats, because the fact of the matter is that it's only a question of time before the people of the State of Illinois rise up -- rise up as a single voice demanding such: more cost-efficiency and more people being locked up for dastardly deeds. So, Senator Dillard, I do salute you because I believe that you have hastened the day when my idea towards incarceration will become a reality.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Thank you. Question of the sponsor and...

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Collins.

SENATOR COLLINS:

Senator, could you give me your definition of intentional

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homicide of an unborn child? It is in the Statute, and I was just getting ready to -- to look at it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard. Senator Collins.

SENATOR COLLINS:

That's one of the -- the crimes that eighty-five -- they would have to serve, I think, eighty-five percent of their time.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Senator Collins, basically it's an attack on the mother that causes the death of the fetus, and I would just refer you to 720 of the Compiled Statutes. It's 5/9-1.2, and that explains what it is. But basically, it's an attack on the mother which kills the fetus.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further -- Senator Collins.

SENATOR COLLINS:

And in this case, the person will have to know that -- that the mother -- that the woman is pregnant, because you said "intentional".

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Senator Collins, yes. The perpetrator would have -- have to recognize that the woman or understand that she is pregnant.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

Do you have any idea -- and I know when I came to the Floor they were talking about estimated cost. Do you have any idea how many additional prisoners that we will -- in the various

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categories, that we will increase the population per year?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Senator Collins, for all of them, the ten-year figure estimate that we've been given is about thirty-seven hundred inmates.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Senator Woodyard.

SENATOR WOODYARD:

Thank you, Madam President, Members of the Senate. I would request to the President that everybody that's going to vote for this bill, please stand up and support it and speak to it. And all of those of you who are going to vote against it, please be silent.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further discussion? Seeing none, Senator Dillard, to close.

SENATOR DILLARD:

Thank you, Madam President and Ladies and Gentlemen of the Senate. I believe when people look back at this particular legislative Session, that this will be one of the things that they remember this particular General Assembly for, starting us on the path of truth-in-sentencing. We are -- and Senator Cullerton alluded to the issue, but we are one of the few states that has not been subject to federal court intervention in the running of our penitentiaries. And I believe that a lot of the credit goes to former Governor Thompson and Governor Edgar, along with a number of excellent, excellent Illinois Department of Corrections directors over the past twenty years in the State of Illinois. And, obviously a lot of credit goes to the Illinois General Assembly, in terms of making sure that we have provided the monies to build a penitentiary system within reason, balancing all of the

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other constraints we have, and pressures - education and health care - in the State. But the fact of the matter is, Illinois is one of the few correctional systems that is not subject to the federal government running it. Let me just say this: I believe we cheapen life if we allow somebody to serve fifty percent of their sentence when they've committed homicide or murder. Our neighbors know and they rightfully complain, and they asked me, when I went door-to-door, why defendants convicted of violent crimes now serve half of their sentence or, unbelievably in some cases, as little as one-third of the amount of time that they're sentenced to. This bill moves us in the right direction, as Senator Hawkinson has pointed out, and it's the direction, Ladies and Gentlemen, that I know of that almost everyone in Illinois wants us to go, and that's lock up murderers and violent criminals for their real sentences and not let them out to rape, murder and pillage again and again and again. So I think we should all do what we told the voters we were going to do last fall, and that's get tough on violent crime and vote Yes for truth-in-sentencing. Thank you very much.

PRESIDING OFFICER: (SENATOR DONAHUE)

This is final action. And the question is, shall the Senate concur in House Amendment No. 4 to Senate Bill 1187. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 2 Nays, 3 voting Present. Senate does concur in House Amendment No. 4 to Senate Bill 1187, and having received the required constitutional majority, is declared passed. Senator O'Malley, on Senate Bill 1200. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1200.

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Offered by Senator O'Malley.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President and Members of the Senate. You will recall that Senate Bill 1200 is the -- is an initiative of the Secretary of State's Office, who is also the State Librarian. It is his goal, as -- as is one that I share, that some day every person in Illinois has the opportunity to be a member of a public library. When the bill was first presented here, there was some concerns raised by the Municipal League about some of the language contained in the bill, and House Amendment No. 1 is the effort to address their concerns. We believe this was a minor concern, and to describe to you what it was, it was regarding the fact that two or more noncontiguous areas of a library district being able to contract for library service with an existing library if each area is contiguous with the boundaries of the existing library. This -- this amendment takes care of the issue by -- by deleting the language that would allow that to happen. It further changes references to the regional councils that are being set up under this legislation by referring to them as panels instead of authorities, in order to reflect the advisory nature of the -- the panels or authorities. So I'd request that we concur in House Amendment No. 1 to Senate Bill 1200.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, this is final action. And the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1200. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 1

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to Senate Bill 1200, and having received the required constitutional majority, is declared passed. Senator Parker, on Senate Bill 1202. Read the -- or, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1202.

Offered by Senator Parker.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I move to concur with the amendment for Senate Bill 1202. 1202, to remind you, requires that vehicle owners who sell rebuilt vehicles, to furnish to each vehicle purchaser a Disclosure of Rebuilt Vehicle Status Form and a copy of the warranty that it has been reinstated. What this amendment simply does is incorporate changes agreed to by the Secretary of State, the insurance industry and adds language, also, that was requested. Actually what it says is that for the rebuilt notation, that it provides that the vehicle manufacturer must reinstate the original manufacturer's warranty of a theft recovery vehicle if the owner of the vehicle meets certain requirements. And it broadens "essential parts". It wants to have regulation done by rules, because "essential" sometimes can mean if a door is missing from a car and then all of a sudden that essential part is -- means that that car cannot have a rebuilt title. So they want to be able to have a little bit of flexibility with that. I would be glad to answer any questions, and I ask for concurrence on this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, this is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1202. Those in

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favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 1202, and having received the required constitutional majority, is declared passed. Senator Fitzgerald, for what purpose do you rise? Oh, all right. Senator Fitzgerald, on Senate Bill 1208. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1, 2 and 5 to Senate Bill 1208.

Offered by Senator Fitzgerald.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 1208 was a Secretary of State's proposal in order to tighten some loopholes that exist in the regulation of business opportunities and loan brokers and business brokers in this State. The House has put three amendments on - House Amendment 1, 2 and 5 - and I'm moving that we concur in those amendments. House Amendment 1 deleted a provision we had in the original Senate bill which authorized the Secretary of State to deny, suspend or revoke the license of a securities dealer who was delinquent in child support payments. We would like to work and get this -- the goal of that language accomplished; however, the way it was worded in the bill raised the objection of the Department of Public Aid. House Amendment No. 2 removes -- it exempts institutional investors, sophisticated investors and securities sold to a small number of investors. These are dealers who are already regulated so that had the Act not exempted them, this regulation would have been duplicative. And finally, House

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No. 5 was a request of the Chicago Board of Trade. It took away the authority for the Secretary of State to levy a transaction fee. I'd appreciate a favorable vote in concurring on these House amendments.

END OF TAPE

TAPE 3

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Carroll.

SENATOR CARROLL:

Thank -- thank you, Madam President, Ladies and Gentlemen of the Senate. Yes, Senator Fitzgerald identified that the first amendment struck an amendment of mine that would have required the Secretary of State to deny this type of license to someone who had been in arrearage on child support. The Secretary of State's Office indicated to us in committee this morning that they will work with us to try and come up with language that they believe can be more effective. Nobody knows why the Department of Public Aid said that they object to the language. Senator Fitzgerald has indicated to me he tried to find out and could not find out. Our staff did likewise. Senator Fitzgerald was gracious enough to indicate he, too, wants to solve this problem and will work with us over the summer. We've been unable still to find out why Public Aid objects, but we wish to continue to work on it over the summer and try and find a way to make sure that people who come in and sell securities in our State are not in arrearage in our State to their spouses for child support. And with that, I would urge concurrence in Amendments 1, 2 and 5.

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PRESIDING OFFICER: (SENATOR DONAHUE)

This is final action. And the question is, shall the Senate concur in House Amendments 1, 2 and 5 to Senate Bill 1208. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The Senate does concur in House Amendments 1, 2 and 5 to Senate Bill 1208, and having received the required constitutional majority, is declared passed. On the bottom of Supplemental Calendar No. 1, we are going to the Order of Motions in Writing to Reconsider the Vote. Bottom of page 4. On that Order is Senate Bill 274. Senator Maitland. Madam Secretary.

ACTING SECRETARY HAWKER:

Having voted on the prevailing side, I move to reconsider the vote by which the Senate concurred -- pardon me, non-concurred in House Amendments 1 and 3 to Senate Bill 274.

Offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President and Members of the Senate. This morning I non-concurred in -- in these two amendments to Senate Bill 274 in an attempt to accommodate what appeared to be an error in the language. We later found that that was not true. So, Madam Chairman, I would, again, renew my motion, having voted on the prevailing side, reconsider the...

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion?

SENATOR MAITLAND:

...reconsider the vote -- I'm sorry.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

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SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Cullerton.

SENATOR CULLERTON:

Senator, you've peaked my interest. I think I asked you if this was going to a conference committee and you said yes. So you obviously thought that something was going to be added and now, apparently, that's not going to be added. Can we just find out what the conference committee would have been?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Senator, I thought I -- I explained that. The -- a Member from the House thought that there was a -- perhaps, was an error in the language that needed to be changed, later found out it didn't. I was acting in a haste to get it done quickly. There would have been nothing else in the conference committee but that change.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, having voted on the prevailing side, Senator Maitland moves to reconsider the vote by which Senate amendment -- House Amendments 1 and 3 were non-concurred. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries. Senator -- or, Senate Bill 46. Senator Mahar. Madam Secretary.

ACTING SECRETARY HAWKER:

Having voted on the prevailing side, I move to reconsider the vote by which the motion to non-concur with House Amendment No. 1 to Senate Bill 46 was adopted.

Offered by Senator Mahar.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

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SENATOR MAHAR:

Thank you, Madam President. We considered this bill this morning as the very first bill. It deals with the issue of Brownsfields. I think there was some misconceptions. I think there is far more support for it than may have been shown this morning, so I would move that we do reconsider this non-concurrence vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussion? Seeing none, having voted on the prevailing -- Senator Berman, you got to be quicker. Senator Berman.

SENATOR BERMAN:

Thank you, Madam President. This is a -- a bill that according to our analysis, the Governor's Office, the Environmental Protection Agency, the City of Chicago, the Illinois Environmental Council, all are opposed to because of the price tag that is involved and the pollution that is carried with this approach to the cleanup problem. It was the first bill called, but it was -- I would suggest to you that the vote was good in preventing this bill from moving out. It's going to impact, by millions and millions of dollars, upon us and future generations with giving a windfall to a select few of business and corporations. The only way you're going to try to address this problem is with some cooperation through business and government, instead of giving them a free ride. Again, I urge a No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

You have heard the motion, and having voted on the prevailing side, Senator Mahar moves to reconsider the vote by which House Amendment 1 was non-concurred. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is non-concurred <sic>. Are there any further motions?

ACTING SECRETARY HAWKER:

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Having voted on the prevailing side, we move to reconsider the vote by which the motion to concur in House Amendment No. 1 to Senate Bill 46 failed.

Offered by Senators Farley, Rea, O'Daniel, Jacobs and Shadid.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Farley.

SENATOR FARLEY:

Thank you, Madam President and Ladies and Gentlemen of the Senate. I would move the -- that we reconsider that vote. I think this issue has been discussed at great length several times, and I would so move, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussion? Having voted on the prevailing side, Senator Farley moves to reconsider the vote by which Amendment No. 1 to Senate Bill 46 failed. All those in favor -- all those in favor will vote Aye. All opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 43 Ayes, 8 Nays, 1 voting Present. The motion carries. And the question before the Senate is Senate Bill 46. Senator Berman, for what purpose do you rise?

SENATOR BERMAN:

A point of inquiry. Could the Chair explain the Maitland motion, the Farley motion and where we are now on Senate Bill 46 -- or, Mahar motion?

PRESIDING OFFICER: (SENATOR DONAHUE)

The concurrence motion is before the Body. Senator Berman.

SENATOR BERMAN:

I'm sorry to do this, but I'm -- I'm confused, and I'd like to understand. Senator Mahar made a motion to reconsider. That motion prevailed. What was it that he moved to reconsider and what was the motion -- what did Senator Farley move to reconsider? Are

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they duplicate, or were they different?

PRESIDING OFFICER: (SENATOR DONAHUE)

They are different. Senator Berman.

SENATOR BERMAN:

What -- what is the difference? What are we being presented with, if I might ask?

PRESIDING OFFICER: (SENATOR DONAHUE)

...are being presented with Senate Bill 46 on a concurrence motion. You are confronted with Senate Bill 46 on a concurrence motion. Senator Mahar, on Senate Bill 46. Read the motion, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 46.

Offered by Senator Mahar.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President. And certainly, for the last time, I bring before you the issue of Brownsfields, the issue of how we will -- remediate sites which have not been remediated throughout the State of Illinois, lay vacant, lay abandoned, are not -- are not employing Illinoisians or producing anything for our economy. This has, as you know, the level-of-risk assessment to determine what the cost and what the type of remediation will be. It also has, of course, the controversial provisions dealing with the liability provisions regarding cost apportionment and -- which is made compatible with current law. I think we've debated this quite a bit. I want to thank the Illinois State Chamber, the IMA, the bankers and many others who have worked a long time on this bill, and I would ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Any discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Madam -- thank you, Madam President. Ladies and Gentlemen of the Senate, let me explain to you and take a moment of your time as to what this bill does - and I apologize for perhaps repeating my argument - but this is a very important change regarding contaminated property. Under the law that exists before Senate Bill 46, Super Fund contamination liability is based upon joint and several liability. What that means is that if you contributed to the contamination - if you contributed to the contamination of a site - your contribution to that contamination made you liable. The reverse of that is that the State - and that means you, me and every other taxpayer in the State who did not contribute to the contamination - can look to those who had any role in contamination to bear the entire cost of the contamination. Now, there may have been some inequities in that approach, but I would suggest to you that when you weigh the non-contribution of the people of the State and the contribution of the people that participated in the contamination, the State was free of any fault. This bill changes that, and it says that unless the State can prove - can prove - the contribution of anyone who had a chain of ownership or chain of contamination, what you cannot prove - and you're talking about some sites with a dozen owners, twenty, thirty, fifty years of -- of ownership and contamination - what you can't prove, the State is going to have to pay for. I just suggest to you when you weigh the merits between persons who owned it, who made a profit from it, who contaminated it versus the non-contribution, the non-fault of the taxpayers of the State of Illinois, you ought to come down on the side of the taxpayers of Illinois and vote No on this bill, because you're giving a free ride to those people who contaminated this site but because of the time, because of the questions,

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because of the issues, they're going to walk away. That's not fair to you, to me, to our voters who are the taxpayers who are going to have to pick up the tab of the volumes of millions of dollars of costs that this bill is going to impose. I urge a No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Thank you, Madam President. This bill is being put forward in the phony belief that somehow these properties will be returned to useful purposes; that if they are somehow determined to no longer be contaminated, by the wave of a wand, by the ruling of a committee, suddenly individuals are going to want to purchase these properties and put a building on them. Ask yourself this: If you were going to build a building or start a business, would you buy property that had been contaminated? I don't think so. The number one individual who's been pushing for turning property into useful property has been the Mayor of Chicago and their City Council. They're opposed to this. The Governor is -- is the head of bringing in business to the State of Illinois, and he's opposed to this. This is a thinly-veiled attempt to let a group of corporations off the hook for polluting our land and our water. You know, April 22nd each year is Earth Day. If we pass this out of here and the Governor signs it, we should declare this day to be Contamination Day, because that's what we're going to agree to by passing this law.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Madam President and Members of the Body. I, too, urge a No vote on this bill. What we are doing is approving of no-fault toxic waste, and if you consider what Senator Berman said, in addition to the fact that the State can't afford to pay

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these costs, you are also asking them to agree to a logjam of court cases as they try to decide the exact share of damage for which each group is responsible. Now, we have spent all of this Session and others trying to rid the courts of some of the backlog by speeding up various processes, and yet, for the sake of, as Senator Welch pointed out, a fiction that somehow we're going to build buildings on contaminated land, that we are willing to allow this to go forward. I think it is absolutely the wrong thing to do, and there was a reason we kept voting this down. If I -- if memory serves me, this is the third or fourth time we've voted on it, and we voted properly, No, in each case and should continue to do so.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Madam President. I agree with the previous three speakers. The problem with this legislation, for one, is that there is no dollars there. There is no funding source for this provision whatsoever. The Illinois Environmental Protection Agency is against this provision. The Governor has said that he is against this provision, and we just need to be voting No on it. The orphan shares is a big problem. This is not the way to resolve it, and I request everyone to vote No on this issue.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. Ladies and Gentlemen, I happen to have a number of small gas stations in my area that have been closed because we, in our great wisdom, have decided, long after the stations had opened, that they had now contaminated the land. These gas stations were owned by small businessmen. And,

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basically, what we did was we put them out of business. These companies, these small businessmen, have gone bankrupt. Those gas stations are now sitting on these corners, boarded up, or sometimes they're torn down, and that land which is very valuable and could be put into retail stores or other entities, are now laying vacant. If we ever want to get that land back into productive use, if we ever want to be able to get these -- these corner spots used again, we should pass this legislation. You've all got 'em. We all ought to vote for it.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR MAHAR:

Well, thank you, Madam President. This has been an exasperating issue for me, and I appreciate the support that it has received in the House roll call, as well as the roll calls we have had here earlier today and just recently. The plain, simple fact of the matter is that we have these sites that are contaminated, abandoned, vacant, scattered throughout the State of Illinois, and many of them are in the City of Chicago, and none of them - none of them - are being cleaned up. Why is that? First of all, we have a -- an assessment process here that no matter what use you're going to have for the land, you're going to have to clean it up to the maximum efficiency. We've changed that. That is going to reduce the cost. We have a three-tiered effect by which we will match the remediation with what the use for the land is going to be. Secondly, nobody, no corporation, is going to make an investment in cleaning up and reproducing and putting something back on the tax rolls and making it an efficient business, employing Illinoisians, if they're not going to be assured that they're not going to be sued every step of the way, constantly, and that -- thus, lose their return. I had a site in

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my previous district where there was a -- a -- an operation that -- that recycled oil. And under the law today - you talk about fairness - under the law today, they found the paperwork of all the people that contributed to that site - it cost fourteen million dollars to remediate - and under our law today, there was a gas station who -- who sent over a ten-year period, two barrels to that site. Under our law, he would be liable for a whole fourteen million dollars. No wonder nobody's investing in these sites. Let's change it. Let's do the right thing, and I would ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

This is final action. And the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 46. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 41 Ayes, 12 Nays, 2 voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 46, and having received the required constitutional majority, is declared passed. Now if you will look on your desks, you will notice a Calendar -- Supplemental Calendar No. 1, page 2. It is separate from your original Calendar, and at the top of that is Senate Bill 79. Senator Fitzgerald. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 2 and 3 to Senate Bill 79.

Offered by Senator Fitzgerald.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Madam President. House Amendment No. 2 is a cleanup proposed by the Illinois State Bar Association's administrative law section counsel. It was the provisions of

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Senate Bill 868, sponsored by Senator Hawkinson, that passed out of the Senate 58 to nothing. The House put this on here because they were trying to collapse their legislation. House Amendment No. 3 adds the text of Senate Bill 640, sponsored by Senator Hasara, that passed the Senate 56 to nothing. That bill amends the Probate Act of 1975, and as I understand it, was proposed by the Bar Association's estate planning provision. There were no -- there was no opposition to those bills. So I'd appreciate your concurrence on House Amendments 2 and 3.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

The -- your bill, at the present time then, does provide that tenancy by the entirety can be effective in a land trust.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

Senator Geo-Karis, the provisions concerning land trusts and tenancies by the entirety were part of the original bill, but the House folded that into another bill. That is no longer part of the bill. The only portions in the bill are these two House Amendments No. 2 and 3.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, Senator Fitzgerald moves to concur in House Amendments 2 and 3 to Senate Bill 79. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are

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58 Ayes, 1 Nay, none voting Present. The Senate does concur in House Amendments 2 and 3 to Senate Bill 79. Senator Fitzgerald. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to non-concur with the House in the adoption of their Amendment No. 1 to Senate Bill 79.

Offered by Senator Fitzgerald.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Amendment No. 1 to Senate Bill 79 got back into the adoption issue and created an irrevocable denial of paternity with entry of appearance in irrevocable consent to adoption form. It was reopening the whole Baby Richard bill and, in fact, would amend some of the laws that we've passed very recently. And I ask that this Body non-concur in House Amendment No. 1.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, Senator Fitzgerald now -- Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Fitzgerald, you said this amendment was added because it would have clarified the situation in the Baby Richard case, or not?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

No. No, Senator Welch. As I understand it, this was a bill

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for one father, I believe, in the Springfield area who was attempting to manipulate the law for his particular adoption case, and it created a new form, which if executed and acknowledged by a father, then it would be irrevocable unless it is obtained by fraud, and it would allow for the adoptions. And it -- it reopened the whole issue that we dealt with. It did not clarify the laws that we had previously passed, and I felt that we need to let that law settle before we start changing the adoption laws once again.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Well is the current form for a father denying paternity irrevocable?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

I do not know the answer to that question. It probably is. I would tell you that this amendment - this House Amendment No. 1 - is unanimously opposed by the family law section counsel of the Illinois State Bar Association. The Bar Association opposed this House Amendment No. 1, and that has weighed heavily in my thinking that we -- we should reject it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Senator, you know those Bar Association committees are voluntary groups that any group of people can get on if they sign a form and say "I want to be on that committee." So, those groups can be controlled by one particular side of the bar against another. But it seems to me if we don't know if this is making it tougher on revoking adoption consents, or tougher on revoking

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denials of paternity, maybe we should pass it. If this would clarify that Baby Richard case, which it sounds to me like it would do, it would have said that that was irrevocable. I don't see why we don't pass it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I -- I was interested in your observations, and as the -- one of the cosponsors of the legislation that addressed that issue in Baby Richard and after consultation with some of the attorneys representing the Bar Association who've carefully reviewed it, it's the opinion of the experts that this undos <sic> -- or undoes, or confounds, what it is we attempted to do last time around. I don't think this improves the situation that the majority of the people in this Body are interested in addressing. I think it -- it -- it creates more problems, more legal issues, more constitutional challenges, and I -- I would strongly urge you to non-concur in this amendment. I think it -- it was really out of line.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch, for a second time.

SENATOR WELCH:

Well, that's all I wanted to know. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR FITZGERALD:

Yes. I'd just urge that the Members vote to non-concur in House Amendment No. 1.

PRESIDING OFFICER: (SENATOR DONAHUE)

Well, Senator Fitzgerald moves to non-concur in House

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Amendment No. 1 to Senate Bill 79. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries. The Secretary shall so inform the House. Senator Fawell, on Senate Bill 358. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in adoption of their Amendment No. 1 to Senate Bill 358.

Offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. I move to concur with House Amendment No. 1. House Amendment No. 1 does become the bill. First of all, it still has the underlying bill, which allows that the temporary nursing home administrator licenses may be granted for a one-year period, and during that time, the holder is required to take a scheduled exam for a nursing home administrator's license. It also applies beginning January 1st, 1996 to all home health care aides, nurses' aides, personal care assistants, private duty nurses' aides, student nurses, day training personnel, or any similar health-related occupation. They all must have a health care worker's background check. It also prohibits health care employers to hire individuals who have been convicted of various crimes. It creates a twelve-membered Health Care Worker Task Force to monitor complaint investigations regarding the criminal backgrounds. It would require the license to pay the actual damages and costs and attorney's fees, but removes the triple damages and provides that an employee of the State or local agency who is charged with inspecting, surveying or evaluating facilities and who profits by tipping off some -- some of the institutions that are about to be inspected that their inspection is coming up, can be charged as -- with a Class 4 felony. Be glad to answer any

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questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Smith.

SENATOR SMITH:

Thank you, Madam President and Ladies and Gentlemen of the Senate. I want to -- like I'm a part of this legislation, and I want to ask my colleague, the sponsor, for clarification on two items, please.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please proceed, Senator Smith.

SENATOR SMITH:

I wanted to ask for the record's sake: Why does House Amendment 1 delete the requirement that a nursing home pay three times the actual damages or five hundred dollars, whichever is greater, and costs and attorney fees to a facility -- a faculty -- resident who's right has been violated by a nursing home?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

For legislative intent: Currently the nursing homes are the only care providers which are subject to this punitive measure. This provision has been -- drastically increased insurance rates for nursing homes, and in some instances, have made insurance unavailable altogether. The result of this current law is increased costs of nursing care for all the citizens of Illinois.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Smith.

SENATOR SMITH:

One more thing. What impact will the triple damages change have on a resident's ability to file a lawsuit and receive equitable compensation?

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Fawell.

SENATOR FAWELL:

The elimination of the mandatory provision in no way prevents a judge or jury from awarding punitive damages in any amount, even in excess of triple actual damages, if actions of the nursing home or any of its employees or agents are deemed to be intentional or willful and wanton, or grossly negligent. In addition, the bill retains the current and unique provision requiring that a nursing home pay the attorney's fees of a successful plaintiff ensuring nursing home residents will be able to secure legal representation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Just -- Senator Smith.

SENATOR SMITH:

And I want to support this legislation, and I ask all of our friends to do likewise.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President and Members of the Senate. And, Senator Fawell, you might have touched upon this, and if you did, I apologize for asking the question, but House Bill 256 created the Health Care Worker Background Check Act. Is that in this -- is that in this bill now?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

Yes, it is.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR FAWELL:

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Thank you very much. This legislation is supported by AARP, Illinois Citizens For Better Care, Legal Assistance Foundation, Legal Services Support Center, and I have also run it by the Illinois Bar Association, and they, too, are in support of it.

PRESIDING OFFICER: (SENATOR DONAHUE)

This is...

SENATOR FAWELL:

I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

This is final action, and the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 358. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, 1 Nay, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 358, and having received the required constitutional majority, is declared passed. Senator Watson, on Senate Bill 377. Mr. Secretary -- Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 377.

Offered by Senator Watson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Yes. Thank you. Thank you, Madam President. This is the legislation that deals with the report that all of you received on the Work Group on Early Childhood report to the Governor, which you all received this past March. This amendment, which I move to concur with, Amendment No. 2, was an attempt by the proponents and those of us that support the legislation to identify some concerns of the opposition. And there was some legitimate concerns and --

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and we made an attempt to address those, and I'd like to be able -- if it pleases the Body, to explain what those objections were and how they were addressed. This, first of all, would allow an early childhood facility to discontinue being a Ready To Learn program, simply by notifying the State Board of Education and the parents of those children enrolled. Just so everyone understands, that once you're into the program, doesn't mean you stay into it or you're into it for duration. You can get out, and it gives you that option. It requires Ready to Learn facilities to have parents' consent prior to arranging for health screenings or immunizations. We feel it's important that everyone - young people - are immunized, but we also understand that we should have parental consent for that, and that - that is included in this amendment. Provides that when meeting the nutritional needs of children, Ready To Learn programs must recognize age development differences in children. The language that was in their original legislation talked about cultural diversity, and that was a buzz word that some people waved a flag. And we felt that we'll identify that we're talking about nutritional needs and we're talking about those individuals who have some legitimate concerns, and we want those people identified and be taken care of. It requires Ready To Learn programs to cooperate with parents when identifying the social service needs of children. Again, I think that everyone recognizes and supports parental involvement and parental concern. And it doesn't matter whether you're in -- in elementary-secondary or whether you're in a preschool program. We want parental involvement and parental concern, and that's -- we address that and recognize that. It provides that parents may only be referred to community social service and resources on a voluntary basis. I want everybody to understand that this is totally a voluntary program - totally from the point of view of the provider, the day care provider or the early childhood center.

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If they want to get involved in the program, that's their desire. If I, as a parent, want -- do not want to send my child to this program, that is my decision as a parent. This is totally voluntary, and I think that's contrary to what some people are being told about this legislative initiative. Now we had discussion also - and it's addressed in this amendment - with the State Board of Education and some of the concerns that they brought forth, and we wanted their support and their endorsement, and they've given us that, and the reason for it is because of some of the provisions in this amendment. And it requires the State Board -- State Superintendent to appoint the members of the Ready To Learn Council by October 1st, 1995, rather than November 1st. It requires the Ready To Learn Council to develop a statewide plan for early childhood services designed to enhance the ability of children to enter school ready to learn. Promotes maximum collaboration, and that's important. One of the reasons I'm involved in this and one of the feelings that I have so strongly about this is that all of the various programs that are out there, we need to have collaboration, cooperation and consolidation, and that's what we want to see done by the Ready To Learn Council. Is an effort to try to do that. It requires the Council to develop a plan for funding start-up grants by April 1st, 1996. This will include recommendations as to how the financial resources of the State agencies and private sources will be used to fund the start-up grants. The underlying proposal that was originally in 377 is still there. There's basically six components, and I think it's in the best interest of everyone here that I mention at least what those components are so that there's no misunderstanding of what we're about, hopefully, to do, and that's pass this particular proposal. We establish a Ready To Learn program. We -- and that's primarily, basically, what I've been discussing, is a Ready To Learn program. We establish a Ready

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To Learn Council under the State Board of Education to coordinate the programs and hopefully, as I mentioned, consolidate and collaborate in trying to bring these types of programs to one -- together. We create a Full Time Pre-Kindergarten Demonstration Program, which is, again, voluntary. I can't emphasize that enough, and I think it's important that you understand that. There will be fees that parents who can afford, just as there is now, a sliding fee in which you'll be asked to participate in the payment of the -- of that type of service being brought to your child. One of the problems and something never -- nobody ever asks about, but one of the real positives of this is trying to consolidate local planning. If you talk to your day care people and people in all aspects of -- of services being provided to the -- the people of Illinois, it's the various districts that we have out there and the lack of consistency. This attempts to address that. We ask for a continued plan for a statewide computer system to enhance administrative efficiencies and service for families, and we finally enhance the role of the child care resource and referral agencies to try to make this more user-friendly, so that people who need the services know where to go and can find information in regard to services that would be made available to them. Madam President, that's basically my opening remarks, and I'll be glad to answer any questions. But appreciate support of the Body.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Madam President. I just want to compliment Senator Watson for the work that he has done on this bill in bringing together different sides of the issue and I want to stand in -- in strong support of this bill and to echo what he said, that this is completely voluntary, that this is an -- very supportive of

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families, it is very much meant to support parents in their child-rearing roles and that it is completely voluntary. What it provides is early childhood education and care programs outside the home but not in any way to substitute for the home. And certainly as we go about the business of working to make our schools more effective and efficient, then it would seem to me very logical that we would want our children to be ready to go to school, and this is one of the supportive programs to help in that capacity. And I commend you for your work, and I would hope that we would have very strong support on this side and on both sides for this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Petka.

SENATOR PETKA:

Thank you very much, Madam President and Members of the Senate. When we look up at the board and title of this legislation, we see words that bring out the warmest of emotions in -- in most thinking people. Children, care, education, law. We've heard words like "parental involvement" and that this is merely voluntary. It is indeed sad - very sad - that in a year in which we are having major budget constraints, where the price tag varies on this piece of legislation anywhere from five to eleven million dollars, that we once again are on the threshold launching another bureaucracy. I have made the statement on the Senate Floor a number of times before, and I'll repeat it again. There comes a time when General Assemblies throughout this country are going to be required to face up to a very, very elementary yet crucial decision and answer a question: Is government capable of being a parent? If we rely on experiences on the planet, if we go to those countries where government has, in fact, become a parent, most of them being in socialist countries, the fact of the matter is that government doesn't become a parent very well. No matter

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how well-intentioned legislation may be, no matter what the goals may be, no matter how -- how much respect that I may have for the sponsor, I still believe that we have not faced the elementary question and given that answer, because there's going to be a day, and it probably is going to come sooner than later, when we recognize that when government began substituting for parents back in the 1960s, it went a long way towards the problems that we now have in the 1990s. I stand in opposition to this legislation, and I would hope that many here would join me.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Madam President and Members of the Senate. Senator Watson, I, too, commend you for the work that you did on this particular bill, and let me just say that this bill is probably the most -- not probably, but the most significant thing that we've done so far on improving the quality of education and particularly in the Chicago area. What this program allow for early intervention. These kinds of Ready to Learn program and preschool programs provide a great opportunity to give children a head start. It has been proven that Head Start Programs, especially for socioeconomic disadvantaged children, gives these children an even opportunity to learn once they begin the first grade. So if we don't spend the money, Senator, at this end, we're going to spend the money when these kids drop out of school, when these kids cause disturbance in school, or for some alternative schools, or after they become a certain age, we're going to spend this money in prison. So this is the kind of intervention that I think is so important for us to begin to solve some of the problems, especially in the Chicago school system. Because this bill would allow for the early detection of -- of potential learning problems. It would also deal with some of the

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nutrition and other types of problems that inhibit children from learning. So this is a great idea. It is the best investment of the State dollars for education that I've seen come out of this Session today, and I would just hope everyone vote for it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, first, I'd like to commend also Senator Watson, because he has worked very, very hard on this project. Started from last year, if I recall correctly, or further. And let me tell you, I think it's important that we help some of these people that need a little help. It's a voluntary program. It requires the Ready to Learn programs to cooperate with parents when identifying the social service needs of the children. You and I know there are lots of social needs of children. Some of us, we've never had to worry about it, but there's a lot of other families that do. And we know also that this bill provides that parents can be referred and may only be referred to community social services and resources on a voluntary basis. It's about time we did something really constructive. I think this is a good bill. It has been misrepresented by some, and I'm telling you right now, it does not - does not - delete the parental ability to run their children. It simply aids them to do a better job where they need some help. And if they don't need it, they won't ask for it. So I ask for full support of this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

We have a number of lights on, so if you could keep your comments brief. Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. As a Member of the Task Force, the Work Group that produced the recommendations that led to the

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introduction of this bill, I must tell you that it was a very, very good process. It was the kind of process that we'd love to see on every single piece of legislation around here. It was a process that included participation from the entire State of Illinois - all racial groups. It was a process that allowed for public input. Lots of time was allowed in committee for the many, many proponents who came forth and testified, and time was given to the few opponents who came forth. It was a very fair, inclusive process that we ought to repeat many times around here. But this bill is really about access - increasing access - to quality child care programs throughout the entire State. It's about quality assurance, and it's about giving parents choices. We all believe in that, don't we? We all believe in making sure that what we do in this Body is ensure flexibility for parents. Right? We talked about flexibility yesterday. Well, this is flexibility, in that it provides choices for parents and it allows for parents, particularly working parents, to be able to have the piece of mind when they drop off their child at a day care center, where they know that their child is receiving quality care, that quality care is being provided because the Illinois General Assembly cares enough about those children and has put together the framework through the State Board of Education to make sure that those programs are there. And so I ask you to support this legislation, because it is a major step in the right direction. It's a tremendous and important investment in the future of the State of Illinois, and it is, in the long run, going to help us deal with some of the very problems that we've been talking about when we talk about the overall condition of public education in this country. If we start at an early age and we prepare children with the foundation that they need and allow them to develop the kinds of skills early on that will allow them to learn, then we've done the job in the State of Illinois and that's what this bill is

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all about.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. Couple of questions for the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Lauzen.

SENATOR LAUZEN:

First of all, could you clarify? Did you say that all these services will take place outside the home?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

This is not a home-based program. This...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen. Senator Watson.

SENATOR WATSON:

...outside the home. This is not...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

And are you -- did you also say earlier in the debate that there are fees for these services?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Yes, there are.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Finally, what did you say the price tag is on this program?

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

I really didn't address that in my opening remarks, but I was going to. But this will be an opportunity for me to do it now. There's a lot -- there's a lot of misinformation on this issue, also, Senator. The State Board of Education has suggested that during next fiscal year, not Fiscal Year '96, but Fiscal Year 1997 -- in fact, I have a letter here from the State Board. Their request will be two million dollars for the Ready to Learn program. The other portions of the program that Department of Children and Family Services claims that will cost eleven million dollars would require fifty percent of all the providers in this State to be at the Ready to Learn program level by Fiscal year 1997. And I don't think there's any possible way that the providers - the day care providers and those that would be interested, voluntarily, to become Ready to Learn centers - would reach that level. That's where the eleven million dollars is coming from, and that's not this coming year; that's Fiscal Year 1997. The impact in this coming year is, at least from what we were told during the process, during the meetings that we had, that there will be no cost. We -- that was one of the amendments that we drafted when the bill passed here, the Senate, originally. There will be no cost during Fiscal Year 1996. And what cost there might be, the State Board of Education says they can -- they can utilize their budget to implement the Ready to Learn Council and other mechanisms that are required under this legislation. They would be able to use current available funds.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Thank you very much, Senator. Can you tell me what are the

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safeguards that have been put in place so -- I think that the large fear of people who are considering a No vote on this is that this is the first step, you know, the camel's nose under the tent, of a huge bureaucracy that will -- will again bust the budget of the State of Illinois. What safeguards are in place so that what we start here does not grow into a colossus that crushes our good intentions?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Well, first of all, it's a total voluntary program. So -- and I can't emphasize that enough, because there's -- continued to come to my attention that people who are outside these walls are telling you, your phone calls that you're getting is that we're coming into the home and we're taking your family away, and that's not -- this is totally voluntary. If you want to be involved, you can be involved as a family. If you want to be involved as a provider, you can be involved. We -- I think that -- that certainly is a safeguard, Senator. My -- the fact that we're talking about a growing bureaucracy, we have pre-K program right now in this State that most people feel has been pretty successful. It's about ninety-two million dollars. During this fiscal year, the Governor's request has added some money to that. Many of us who are involved in this, and were on the work groups, attitude was we need to be consolidating, we need to be collaborating and condensing those programs that are out there, and there are -- any -- if you'll take a look at the work book, the unbelievable number of -- of programs that are there. My intention with the Ready to Work Council -- or, Ready to Learn Council is to attempt to consolidate so that we can bring those programs under one roof, so to speak and hopefully the idea being that by doing that we streamline the system, people know where to

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go and then save dollars. That -- that is the intent of this, and I've said that at -- at all four Work Group meetings, my attitude was and my involvement in this was different than a lot of people. And I said if you want to get the support of my caucus, if you want my caucus to vote for this, then we've got to consolidate programs and we've got to cut spending in some areas. Now, if we're talking about Head Start and Head Start becomes a block grant program from the federal government to the State government, we have a provision and a -- and a -- with the Ready to Learn Council ready and willing and with the understanding that they're to implement the Head Start Program. So, another consolidation. So I think that there's a lot of things that can be said about what we're attempting to do here in the -- in the manner in saving money and -- and streamlining the system.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Then -- then finally, just to the bill itself, and thank you very much, Senator. I mean, those -- those are some very clear explanations of -- of what it is that you and the people you've worked with are proposing. You know, this does -- this is a very greatly improved piece of legislation that reminds me of Senate Bill 159 from maybe two years ago, but very different. You know, I voted No on that legislation and you get the -- I got the inevitable telephone calls saying that, "You know, Senator Lauzen, you don't care about children. If you only saw what we do here, you'd vote Yes." And so I said, well I'll go anywhere you want, anytime you want, to see the work that you're doing. So they took me down to a family - and this is one of several circumstances - but along the Fox River and I visited for a few minutes - maybe an hour - with a family. And the social worker went into the home - this is very different from that - you know, helped the mother

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play with the child, and after about thirty minutes, I felt that, you know, we had enough discussion, I felt enough at home to ask a question. You know, as you're wondering, what did we do in Illinois before we had all the money for these -- for these programs? In the 1950s, the burden on families was ten cents on the dollar for government. Now in the 1990s, it's forty-two cents out of every dollar in our economy goes to a government, and it's just a tremendous burden on every working citizen in Illinois. But when I asked the person - the mother - I said: "You know, do you have any family members in this area who could help you raise your family?" And the response was: "Yes, I have a mother and a sister who live here." And I said: "Well, couldn't they help you raise your child?" And the lady's response to me was: "Well, you know, sometimes my mom gives me advice that I don't agree with." And I thought how unusual the rest of that sentence would be that -- and therefore, the citizens of Illinois ought to pay for a social worker to come into the home to help this lady because she disagrees with her mom. I would bet that the people in this room, all the people in this room, have had disagreements with parental advice that they've received at some time in their life. As long as we guard against -- as long as we guard against the potential bureaucracy that we could be building in this, I would say that it needs -- that it deserves our consideration. I think that it's greatly improved over legislation that looked like this a couple years ago. Thank you very much.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Parker.

SENATOR PARKER:

Thank you, Madam President. There have been a lot of concerns and misconceptions, and I'm very glad to hear today the testimony that Senator Watson has given because I think it's cleared a lot of that up. I even had somebody that called me from my district

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that said we're taking our families away. We're not doing that. If we were doing that with this legislation, if this were Goals 2000, if we were taking away the family and becoming the parent, that if government were becoming the parent, I would not be supporting this legislation. That is the not the intention here. It is to consolidate the programs that we have. It is to give better education to our children and to try and bring them up better where that need is available, and it is, since we did pass a welfare reform bill, an opportunity for us to help people who want to get off and need to get off of welfare have better day care and better quality day care that they need to be able to go into different programs. And for that reason, I would support this legislation, and I think we will all watch after this, that it does not get into being some big government bureaucracy and some type of parent to the children. That is not the intention here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Viverito.

SENATOR VIVERITO:

I'll try to be real quick, Madam President. I am -- I told you before, Stickney Township is -- has two incorporated -- three incorporated areas and two unincorporated areas. Burbank has thirty thousand people. The Village of Stickney has approximately five thousand people. The Department of Children and Family Services identified an assessment need for a day care. Believe it or not, the Village of Stickney was cited as the area that needed it the most. It's a very, very old community with an awful lot of elderly in it. Today, a lot of the young married people come back to the -- to that old neighborhood where grandmother and grandpa are raising those children today. They do not have the financial -- able to put them into a day care because they don't have the money to do it. Most of them are on Social Security. The home is

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paid for. The streets are cleaned. It's a great community, but unfortunately, they're raising children now that they shouldn't have to raise. We have a day care that's in operation with twenty-five children in it. I wish you'd take the time to come and see what it's done for these people, and we take them at three years old. They're through at five years old. They're better prepared to go to school than most children are, and if we didn't do it, I'm tell you, a lot of those kids would have trouble, psychologically, later one in life. We should be spending more money for day cares and get them where you get the kids to learn something positive morally at an early age, rather than spending money - millions of dollars - in waste, because when you -- when you get money to go into a later time in life, it's too late. Do it when they're young enough to help them. Thank you very much.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR WATSON:

Well, yes, thank you. And I appreciate the remarks of -- of all the speakers. And I want to especially thank Miguel del Valle, who served as -- on the Work Group. There were fifty-three members, as he mentioned, from all over the State of Illinois and from very different backgrounds. It was amazing that we could get any kind of final consensus on what we wanted to present, but we did. And we had a lot of deliberations to get to that point. Senate -- Senator Viverito made a -- made a good point, and I thought you were going to mention the truth-in-sentencing law that we just debated. I mean, it -- it's amazing what we've done on society ills in this State and what we've had to do over the years for society problems. Department of Corrections, Children and Family Services. We've been told that we've raised the budget, since 1988, over nine hundred million dollars in the area of

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Children and Family Services, and I'm not sure we've solved a great deal. And it's -- it's dysfunctional families, in many cases, that have created this -- this problem. Now, what do we -- what do we want to do? And I think that, again, the good Senator from Stickney, and his "pay me now or pay me later", I'd rather pay at the front-end and create an environment in which we hopefully can help save somebody by giving them an opportunity. I -- I had the opportunity to go down and speak to the day care providers when they were here at their rally. And I told them, I said, you know, I'm taking a little different slant on this than maybe other speakers who were there, because, I said, I was the sponsor of the welfare bill. I'm the one who was this draconian Republican who's trying to force people out in the streets and take everything away from them. I was the sponsor of that. But I think if we're going to do that in this State, then we have a responsibility, an obligation, to help when we can. And if we're going to force, and truly we are, if we get the waivers that we've asked for from the federal government, we're going to force people into the work force who are currently welfare recipients. Now, what do we want to do with those young kids who are part of that dysfunctional family, in many cases, who we're trying to help? What are we going to do with those kids? Are we going to let them just grow up to create more dysfunctional families, or are we going to attempt to try to create and solve a social problem in this State? And I think that's exactly what this legislation attempts to do. Sure, it's -- and I -- I've talked to people on the phone, and I've got a lot of them calling from my district. They've been here to see me. Friends of mine. And I -- they're very sincere about their opposition and their concern for the growth of government. And we've heard that on the Floor here today. The end of the family, and it can't solve all the problems, social ills of this State or this country. Government

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can't do it, and more money can't necessarily do it either. But somewhere we've got to break the chain. Somewhere it has to happen where the next generation is going to have an opportunity to bring themselves up and be successful and succeed. And I'd like to think that's what this legislation's for, Madam President. And I think that this will get us on the -- start on the right foot, and I would appreciate the support of this -- of this Body. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

This is final action. And the question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 377. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 38 Ayes, 13 Nays, 8 voting Present. The Senate does concur in House Amendment No. 2 to Senate Bill 377, and having received the required constitutional majority, is declared passed. Senator Petka, on Senate Bill 384. Madam -- Senator Philip, for what purpose do you rise?

SENATOR PHILIP:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Sitting next to me on the Floor of the Senate is the great Attorney General from the State of Illinois, Jim Ryan. Will you please rise and be recognized by the Senate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Welcome, Attorney General. On Concurrence is Senate Bill 384. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 384.

Offered by Senator Petka.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Petka.

SENATOR PETKA:

Thank you very much, Madam President, Members of the Senate. As Senate Bill 384 left this Body, it provided for disclosure of certain gang-related crimes, if the -- the names and addresses of juveniles who had been convicted of certain violent or gang-related crimes. When it got to the House, it became the wish list for the Illinois Probation and Court Services Association. It picked up five amendments. Every one of the amendments on the bill passed without a dissenting vote at all in the Senate. I know of no opposition to these amendments and I would move for concurrence with House Amendments to -- 1, 2, 3, 4 and 5 to Senate Bill 384. Excuse me. Excuse me. I've been told that all of the bills are rolled into one amendment, so we're just talking about one amendment. I stand corrected.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:

Would the -- yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Cullerton.

SENATOR CULLERTON:

Senator Petka, something just came to my attention after I -- I know I already voted for this bill and I know we voted for it out of committee, but maybe you can just clarify something. On page 46 and 47, there is a provision that would allow for the filing of -- of a notice of intermediate sanctions. And I guess, as I understand this, if someone's on supervision and -- I'm sorry, probation, the probation officer can give them a notice of a -- of a sanction and then the -- upon receipt of the notice, the defendant shall either immediately accept or reject the intermediate sanction. The problem I see -- potential problem is

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that this is sort of delegating a judicial -- potential problem is that we could be delegating a judicial function to a -- a nonjudicial officer, that being a probation officer, where the probation officer could say, "Hey, I just caught you violating your probation. I'm going to give you my own little punishment." And so, I -- I see a potential constitutional question there of separation of powers, and I just thought maybe you could --- you could tell me, if you know, what this is in here for. And -- and it does -- it does say technical violations, but that doesn't seem to be defined. So -- so, maybe you can give me some background.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton, Senator Hawkinson will answer that question. Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. That provision was, I believe, Senate Bill 897, sponsored by Senator Tom Dunn. Initially, Senate Bill 897 contained these provisions that would have solely delegated this authority to the decision making of the probation officer. It's akin to what happens with the parole violations - technical violations - now. Senator Dunn's bill was amended, however, before it left the Senate to be in the form that you have it before you now, which provides the safety valve, which we believe -- and I believe Senator Dunn can speak to it if he desires, but makes it constitutional, which allows the probationer, if he chooses to contest these sanctions, to be entitled to have a hearing before the court. The idea behind the intermediate sanctions is that if there are noncriminal violations - in other words, you fail to report to your probation officer or you violate some condition of probation other than the commission of a new crime - the probation officer shouldn't have to jump through all the hoops and the delay of going to court on a -- on a revocation petition to be filed by the State's Attorney; that this

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would allow for those technical violations, the imposition of intermediate sanctions. And I think "technical" is defined as being violations of the conditions of probation other than the commission of a new criminal offense.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Dunn.

SENATOR T. DUNN:

Thank you, Madam President. There isn't one word, period, comma or semicolon I'd like to add to Senator Hawkinson's explanation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Wonderful. Is there any further discussion? Senator Petka, to close.

SENATOR PETKA:

I would just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

This is final action. And the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 384. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 384, and having received the required constitutional majority, is declared passed. Senator Klemm, on Senate Bill 405. Madam Secretary. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 3 and 4 to Senate Bill 405.

Offered by Senator Klemm.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

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Thank you, Madam President. I would like to also make a motion to non-concur with Amendment 1. I'll do that after 2 and 3? What? I didn't hear you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator, we would appreciate it if you'd do the concurrence first and the non-concurrence second.

SENATOR KLEMM:

I just want to be sure I was following the order you would want me to. Motion to concur with House Amendments 3 and 4 on -- on Senate Bill 405. House Amendment No. 3 permits the county boards to adopt reasonable regulations to control and prohibit streetgangs. And Amendment No. 4 allows -- is permissive as a condition of probation or conditional discharge, on a alcohol or drug abuse program, a contribution to one of those programs that the participant or the defendant wishes to make. It's permissive legislation. It's one, I think, of seventeen or sixteen different provisions the court can allow, and I would ask for your support on Amendments 3 and 4.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Jacobs.

SENATOR JACOBS:

Senator, in the definition of "streetgang," it says any combination, confederation, alliance, network, conspiracy, understanding or other similar conjoining, in law or in fact, of three or more persons that through its membership or through the agency of any member and at the direction, order, solicitation or request of any conspirator who is a leader, officer, et cetera, engaged in a course or pattern of criminal activity. Does that

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make our caucuses a streetgang?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Well, I believe this is the language that I think Senator Viverito had put on or tried to put on, some streetgang language. It was just mirroring the same type of definition.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

The only reason I ask, 'cause I've seen, after a few caucuses, some activities that probably could be construed to be criminal by some. So I was just curious to that. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Shaw.

SENATOR SHAW:

Thank you, Madam President. I just didn't hear your explanation of -- of streetgang, how you identify them.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Well, basically all I'm doing is referencing current law under the Illinois Streetgang Terrorism Omnibus Prevention Act. That's current law, and all we do is refer back to that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

Let me ask you something. If I'm standing on the corner with Senator Jones, with a cap on. Senator Jones' got a cap on, sideways, a red jacket, would we be -- under this legislation, would we be considered a streetgang?

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Klemm.

SENATOR KLEMM:

I don't know if I can answer if that's under the existing Illinois Streetgang Terrorism Prevention Act. I mean, I guess I don't have it in front of me, so I can't really honestly say that that would be considered a gang. However, we did pass legislation -- pardon?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

Well, he's going to inquire -- I thought he was going inquire -- I thought you was trying to figure out whether Senator Jones and I was under present law, but that's not what I'm asking. I was asking about the -- how do you identify, in the scenario that I just gave you, a cap on sideways or turned to the back, a red jacket. Would the two of us on the street corner having a conversation, would we be considered a gang?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm. Senator Klemm.

SENATOR KLEMM:

I really don't know how to answer your question because I don't know what that law says and what provisions it says. But it's something that we have supported. It's part of the books, and -- and it's one of the meanings that we use in that definition. I don't know how to explain it any more than that, Senator. I'm sorry. I wish I could.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

Well, I -- I believe that you have good intentions, in terms of this legislation, but, you know, we -- I don't believe that we -- we should send legislation out of here where that Senator Jones

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and I, if we are standing on the street corner, could be possibly locked up. Is there any penalty with this? I didn't get a chance to read the whole thing? Is there any penalty?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

SENATOR KLEMM:

I should take the Fifth Amendment, because I don't want to say anything that would incriminate you and Senator Jones, so -- I'm not sure what you want me to do.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

Is there any penalty in this? I didn't get a chance to read it. I -- is there any penalty in this?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm. Senator Klemm. Senator Dudycz.

SENATOR DUDY CZ:

Thank you, Mr. President. Senator Shaw, I -- I really don't know how Senator Klemm or anyone here can -- can respond to a question. If you are asking if you and Senator Jones are standing on a street corner with your hats tilted to one side, I believe that if -- if either one of you were arrested, it would be for something other than wearing a hat on the side. But that has

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nothing to do with streetgang activities. The law enforcement community of Illinois is guided by the Illinois Streetgang Terrorism Omnibus Prevention Act and there it clearly spells out what constitutes a streetgang. And I think that you -- you go to the Act, and that's the -- you use that guideline, as law enforcement community in Illinois does. And this is geared towards the -- the people who are on a corner -- which are intimidating and accosting others by their presence and by their actions, as normal, everyday citizens walk down the street and they are being harassed by these streetgangs. And this is geared towards that.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

I think we had passed Senator Jones and I. I asked, was there any penalties - any penalties - attached to this -- to this legislation, or are you only asking the county board -- to permit the county board to adopt reasonable regulations to control or prohibit streetgang-related activities? Is there any penalties in this?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCZ:

Well, as far as -- Senator, if you -- you've got the amendment; you're looking at it. There is no penalty stated in the amendment, but we have the -- the Illinois Statute Book here if you want to go through it -- through it, we can go through the penalties. As far as the Streetgang Terrorism Omnibus Prevention Act, on page 648, I'll go -- walk over to you, sir, and we'll go through it together.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon. Senator Hendon.

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SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR WATSON)

Yes, I'm sure the sponsor will yield, Senator Hendon.

SENATOR HENDON:

First of all, I know Aldo, he -- he better not walk through my neighborhood with his hat cocked that way, or he'll be -- he'll be a statistic. I have a -- one -- just a couple of quick questions, Senator Klemm, because this summer in my neighborhood I'm going to have to convene a peace conference. I may have to do it two or three times, depending on who got out of jail or who wants to take of whom's territory. If I call this gathering and the various streetgang members attend, am I then in violation of law? Am I considered, under this bill, an agency?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

SENATOR KLEMM:

Well, you know, it's the -- it's the county board that would be adopting these regulations. In Cook County, it's your president -- Board President Stroger who'll be presenting these. I mean, that's probably the one you should be talking to. That would be...

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hendon.

SENATOR HENDON:

Okay. But my question is -- because the way I read the bill, it says a streetgang or any agent, network, combination, confederation. So if I call a -- a peace conference in one of my public housing developments that has four or five different streetgangs - and I do have that, by the way, so this is a real world question - am I subject to arrest, or would any of the

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community activists who are there, who are trying to work to prevent gang activity, are they subject to arrest under this bill?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

SENATOR KLEMM:

If this bill were to become law today, they would not be, because the county hasn't adopted any regulations at that point. So, there's nothing to be arrested under so far.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

SENATOR HENDON:

In conclusion, we would be giving them the authority to do it if they wanted to, correct? Okay. Just to the bill: I think it's a -- it's a good idea, but it's just too broad, and I spoke on this before. I can't remember what the bill number was last year that was something very similar. But when you get into agencies, confederations, combinations, alliance, that could -- that is just too broad. That means that any community-based agencies that work with the streetgangs, then they are -- can be subject to arrest and if the -- if the county board determines so. So if a group such as 21st Century Vote, which is involved in voter registration, politics on both sides of the aisle, by the way - and I know that for a fact - and they are -- there are some members who may have been in the past in the gang, then that organization under -- under this bill would have to cease to exist. And I think that that is counterproductive. We need organizations out there that are -- are counter to the gangs, even though they may contain some streetwise people such as an Aldo DeAngelis or someone like me in them, in our younger days. So I think that because of that, we should vote No on this or I'll probably vote Present at the best.

PRESIDING OFFICER: (SENATOR WATSON)

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Further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield, Senator Palmer.

SENATOR PALMER:

Senator Klemm, I'm trying to work my way through this maze. Could you just state very simply what it is that this -- these two amendments do?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

SENATOR KLEMM:

The first -- Amendment No. 3 permits county boards to adopt reasonable regulations to control or prohibit streetgangs. Amendment No. 4 allows the court to impose reasonable contributions, in its discretion, as a condition of probation or conditional discharge to an alcohol or drug abuse program.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Palmer.

SENATOR PALMER:

All right. Are we saying then, in Amendment 3, that in spite of the existence of the Illinois Streetgang Terrorism Omnibus Prevention Act, that counties do not -- cannot use whatever is in that omnibus Act to do what you just described?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

SENATOR KLEMM:

That's correct. That's the reason we want the counties to expand that authority so they could join in with the State of Illinois and other law enforcement agencies to try to do something to try to keep streetgang terrorism in our communities <sic>.

PRESIDING OFFICER: (SENATOR WATSON)

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Senator Palmer.

SENATOR PALMER:

Okay. And -- that that will -- that counties will now be able under that Act, to define gangs and so forth, because that's already in the law, and secondly, that House Amendment 4, if I'm understanding it correctly, that the court can now require a person who has been, I assume, convicted or sentenced, or whatever, to an alcoholism or drug or abuse or prevention program, anti-gang program, or whatever, as a condition of probation and discharge, to pay some portion of the money back again that was the cost of their participation in -- in one of these programs? Is -- is that how I should understand it?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

SENATOR KLEMM:

Well, in your first part, the definition of streetgangs is already spelled out, so the counties don't have to address that. In Amendment No. 4, there are, I think, sixteen different provisions that already the court or the judge may ask for if the defendant wishes to be placed on probation or a suspended sentence. And that is a permissive thing. The -- the defendant doesn't have to agree to any of that if they wish to. The courts have the total option of -- of granting any one of these sixteen, or the one I'm adding the seventeenth, to -- to see if they wish to participate in a suspended sentence or probation. And if, I think, it's a drug-related case, why not and wouldn't it make good sense that if that person wants to suspend the sentence or have a reduced sentence or go to probation, that maybe they contribute something voluntarily with their own volition to programs that we had established to try to do what you and I were working hard for. It's just another tool, we think, that would fit in with the whole pattern of trying to find our community a little bit safer in the

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streets and giving the courts those tools. And that's what it is.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR KLEMM:

Vote Yes.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm moves to concur in House Amendments 3 and 4 to Senate Bill 405. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Yes, no voting No, 3 voting Present. The Senate does concur in House Amendments 3 and 4 to Senate Bill 405. Now, Senator Klemm now moves to non-concur in House Amendment 1 to Senate Bill 405. Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary will so inform the House. Supplemental Senate Calendar, Page No. 2. Senate Bill 528. Senator DeAngelis. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 528.

Filed by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. -- thank you, Mr. President. Senate Bill 528, when it left this Chamber, was a bill that would permit those companies who are not-for-profit to be able to lease and be exempt from the sales taxes as if they would be if they purchased the equipment. The Department of Revenue and the Governor's Office were concerned about this, so essentially what this amendment does

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is it tightens up the language that's in the bill. The lease must be for a year or longer. The lessee must have an active tax exemption certificate from the Department of Revenue, and the tax savings must be passed onto the lessee. Be happy to answer any questions. If not, I would urge your favorable support for Amendment No. 1 to Senate Bill 528.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Severns.

SENATOR SEVERNS:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield, Senator Severns.

SENATOR SEVERNS:

Senator, realizing that the health care providers of this State have really taken it on the chin time and again with the Medicaid crisis and our low rates and late payments and so on, at least, if this analysis is correct, it would suggest that we are doing a favor to those companies who provide equipment to hospitals, but not to the hospitals themselves. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Severns, the bill requires that the tax saving be passed onto the lessee, which would be the hospital.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I just wanted to remark that I'm really glad about the changes in this bill. It's not as complicated as it seems. I have talked with hospitals in my district and they have assured me that they would rather be able

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to lease and be able to change their equipment periodically in order to keep up with the times, but not get stuck with the bill; that that is an additional cost to them as health care providers. But I'm glad to see that now the -- the savings from this is actually returned to the provider. So I think that the House made a good change, and this is a decent bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Welch.

SENATOR WELCH:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield, Senator Welch.

SENATOR WELCH:

Senator DeAngelis, the Department of Revenue is opposed to this. Could -- okay -- you indicate that they are not opposed to it. Could you tell me how much the revenue loss would be to the State if this additional DeAngelis exemption is approved?

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I'll hopefully try to disregard the editorial comment, but I don't know, but I got to tell you: There have been ways in which these taxes have been avoided and they set up some kind of program. So I'm not so sure that there's any significant loss. What there is is a gain to the people who are providing health care services and, ultimately, to the people who receive them.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Welch.

SENATOR WELCH:

But you have no handle on how much it is, or how much you're -- you're saving the hospitals?

PRESIDING OFFICER: (SENATOR WATSON)

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Senator DeAngelis.

SENATOR DeANGELIS:

Neither the Department of Revenue or the Fiscal Commission is able to ascertain that.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Will this tax exemption help every hospital?

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Only not-for-profit.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I will vote my conscience because I am a counsel for a hospital.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR DeANGELIS:

I just urge a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

This is final action, and it's a motion to concur with House Amendment No. 1 to Senate Bill 528. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 voting Yes, no voting No,

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no voting Present. Senate Bill 528, having received the required constitutional majority, is declared passed. Senate Bill 540. Senator Maitland. Out of the record. Senator Weaver, for what purpose do you rise?

SENATOR WEAVER:

Well, Mr. President, this pretty well concludes our business for the day. There will be committees in the morning. 9 o'clock. We'll come on the Floor at 10 o'clock in the morning. If the committee chairmen have their time slots and committee rooms, why, they should make those announcements now.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpel, for what purpose do you rise?.

SENATOR KARPIEL:

Thank you, Mr. President. Just to announce that tomorrow morning at 9:30 there will be a meeting of the Senate Executive Committee in Room 212. 9:30, 212. It'll be very brief. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Mr. Secretary, Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned to committees: Referred to the Committee on Executive - the motion to concur with House Amendments 1 and 3 to Senate Bill 274; referred to the Committee on Local Government and Elections - motion to concur with House Amendments 1 and 2 to Senate Bill 949; and to the Committee on State Government Operations - the motion to concur with House Amendment 1 to Senate Bill 560.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Peterson, for what purpose do you rise?

SENATOR PETERSON:

For purposes of announcement, Mr. President. Chairman Klemm

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has asked me to announce that the Local Government Committee will meet tomorrow morning at 9 a.m. in Room 400.

PRESIDING OFFICER: (SENATOR WATSON)

Thank you. Senator Syverson, for what purpose do you rise?

SENATOR SYVERSON:

I think State Government is meeting at 9 -- 9 o'clock at 212.

PRESIDING OFFICER: (SENATOR WATSON)

Thank you. Mr. Secretary, Messages from the House.

SECRETARY HARRY:

A Message from the House by Mr. McLennand, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of th Senate, to wit:

House Joint Resolution 38.

Adopted by the House, May 24th, 1995. It's substantive.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any other business to come before the Senate? Seeing none, the Senate then will stand adjourned. Motion by Senator Dudycz that we will adjourn until 10 a.m., Thursday, May 25th.

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