

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

24th Legislative Day

March 17, 1997

PRESIDENT PHILIP:

The regular Session of the 90th General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? Our prayer today will be given by Pastor Lundeen, Westminster Presbyterian Church, Springfield, Illinois. Pastor Lundeen.

PASTOR LUNDEEN:

(Prayer by Pastor Lundeen)

PRESIDENT PHILIP:

I'd ask Senator Walsh to lead us in the Pledge of Allegiance. Senator Walsh.

SENATOR WALSH:

(Pledge of Allegiance, led by Senator Walsh)

PRESIDENT PHILIP:

Reading of the Journal.

SECRETARY HARRY:

Senate Journal of Tuesday, March 11th, 1997.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

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

PRESIDENT PHILIP:

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

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Wednesday, March 12th; Thursday, March 13th; and Friday, March 14th, in the year 1997, be postponed, pending arrival of the printed Journals.

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Senator Butler moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objections, so ordered. House Bills 1st.

SECRETARY HARRY:

House Bill 1st Reading by -- is House Bill 72, by Senator Molaro.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDENT PHILIP:

May I have your attention for a minute? And might suggest to you that this is the last week for Senate Bills on 3rd Reading, excluding appropriations. We have three hundred twenty-five bills on the Calendar on 2nd and 3rd Reading. We've been doing about forty a day, so I hope you're getting the message. We're going be out -- to try to get out of here early on Thursday. So I would suggest you moving your bills. On the top of page 2, Senate Bills 2nd Reading. Senate Bill 4. Senator Karpiel. Senate Bill 4. Senator Karpiel. Take it out of the record. Senate Bill 5. Senator Radogno. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 5.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 6. Senator Radogno. Read the bill, Mr. Secretary.

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SECRETARY HARRY:

Senate Bill 6.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 7. Senator Radogno. Senate Bill 7?  
Read the bill.

SECRETARY HARRY:

Senate Bill 7.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 9. Senator Radogno. Read the bill,  
Mr. Secretary.

SECRETARY HARRY:

Senate Bill 9.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 30. Senator Parker. Senate Bill 30.  
Senator Parker. Take it out of the record. Senate Bill 54.  
Senator Mahar. Senate Bill 54. Senator Mahar. Take it out of  
the record. Senate Bill 63. Senator Madigan. Take it out of the  
record. Senator -- Senate Bill 65. Senator Trotter. Senate Bill  
65. Senator Trotter. Take it out of the record. Senator --  
Senate Bill 73. Senator Lauzen. Senate Bill 73. Senator Lauzen.

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Take it out of the record. Senate Bill 74. Senator Lauzen. Take it out of the record. Senate Bill 75. Senator Lauzen. Take it out of the record. Senate Bill 77. There's a fiscal note requested on that bill, so we cannot call it. Senate Bill 77. Senator Lauzen. Take it out of the record. Senate Bill 85. Senator Donahue. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 85.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 140. Senator Radogno. Read it, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 140.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 141. Senator Mahar. Senate Bill 141. Senator Mahar. Take it out of the record. Senator Peterson, for what purpose do you arise?

SENATOR PETERSON:

For the purposes of an announcement, Mr. President. We've been informed that Senator Mahar has been delayed with business in his district, and he will be here in the Senate Chambers approximately 4 o'clock.

PRESIDENT PHILIP:

Thank you. The record will so indicate. Senator -- 156. Senate Bill 156. Senator Jacobs. Take it out of the record, Mr. Secretary. Senate Bill 165. Senator Walsh. Senate Bill 165. Senator Walsh. Read the bill, Mr. Secretary.

SECRETARY HARRY:

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Senate Bill 165.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on State Government Operations adopted Amendment No. 1.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 171. Senator Farley. Senate Bill 171. Senator Farley. Take it out of the record. Senate Bill 175. Senator Petka. Senate Bill 175. Senator Petka. Take it out of the record, Mr. Secretary. Senate Bill 182. Senator Rauschenberger. Senate Bill 182. Senator Rauschenberger. Take it out of the record. Senate Bill 203. Senator Lauzen. Senate Bill -- take it out of the record, Mr. Secretary. Senate Bill 204. Senator Lauzen. Take it out of the record. Senate Bill 206. Take it out of the record, Mr. Secretary. Senate Bill 209. Senator Carroll. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 209.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 225. Senator Parker. Take it out of the record, Mr. Secretary. Senate Bill 250. Senator Rea. Take it out of the record. Senate Bill 287. Senator Luechtefeld. Senate Bill 287. Senator Luechtefeld. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 287.

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(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 305. Senator Sieben. Senate Bill 305. Senator Sieben. Take it out of the record. Senate Bill 306. Senator Sieben. Senate Bill 306. Senator Sieben. Take it out of the record. Senate Bill 307. Senator Viverito. Senate Bill 307. Senator Viverito. Take it out of the record. Senate Bill 345. Senator Cronin. Senate Bill 345. Senator Cronin. Take it out of the record. Senate Bill 350. Senator Jacobs. Take it out of the record, Mr. Secretary. Senate Bill 351. Senator Carroll. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 351.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 356. Senator Parker. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 356.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

Have there been any Floor amendments that have been approved

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for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 366. Senator Parker. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 366.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading, Mr. Secretary. Senate Bill 372. Senator Burzynski. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 372.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 374. Senator Lauzen. Read the bill, Mr. Secretary.

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SECRETARY HARRY:

Senate Bill 374.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 381. Senator Fawell. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 381.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

Senator Fawell, did you wish recognition?

SENATOR FAWELL:

I'm sorry. That one does need an amendment. I haven't gotten it yet.

PRESIDENT PHILIP:

All right. Take it out of the record, Mr. Secretary. Senate Bill 404. Senator Smith. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 404.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on State Government Operations adopted Amendment No. 1.

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SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 406. Senator Rauschenberger. Senate Bill 406. Senator Rauschenberger. Take it out of the record. Senate Bill 417. Senator Dillard. Senate Bill 417. Senator Dillard. Take it out of the record. Senate Bill 438. Senator Parker. Senate Bill 438. Senator Parker. Take it out of the record, Mr. Secretary. Senate Bill 454. Senator Fawell. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 454.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 459. Senator Luechtefeld. Take it out of the record. Senate Bill 476. Senator Fawell. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 476.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 483. Senator Walsh. Read the bill,

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Mr. Secretary.

SECRETARY HARRY:

Senate Bill 483.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 493. Senator Weaver. Take it out of the record, Mr. Secretary. Senate Bill 495. Senator Geo-Karis. Take it out of the record. Senate Bill 521. Senator Jones. Senate Bill 521. Senator Jones. Take it out of the record, Mr. Secretary. Senate Bill 531. Senator Walsh. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 531.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 543. Senator Dudycz. Take it out of the record, Mr. Secretary. Senate Bill -- take it out of the record. Senate Bill 580. Senator Farley. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 580.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Agriculture and Conservation adopted Amendment No. 1.

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PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 600. Senator Cullerton. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 600.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

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

SECRETARY HARRY:

Amendment No. 2, offered by Senator Cullerton.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This amendment is technical in that it makes the bill a shell, which was the original intent of Amendment No. 1, in committee. So it just corrects that -- that error, and it was approved by the Rules Committee. I'd move for its adoption.

PRESIDENT PHILIP:

Senator Cullerton moves the adoption of Amendment No. 1 to Senate Bill 600 -- Amendment No. 2. Any questions? If not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments?

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SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 604. Senator Sieben. Senate Bill 604. Senator Sieben. Take it out of the record. Senate Bill 605. Senator Madigan. Senator Madigan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 605.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 610. Senator Burzynski. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 610.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 645. Senator Clayborne. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 645.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

Have there been any Floor amendments that have been approved

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for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 658. Senator Lauzen. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 658.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 659. Senator Madigan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 659.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 663. Senator Farley. Take it out of the record. Senate Bill 664. Senator Butler. Take it out of the record. Senate Bill 667. Senator Madigan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 667.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 672. Senator Hawkinson. Take it out of the record. Senate Bill 674. Senator Sieben. Senate Bill 674. Senator Sieben. Senate Bill 677. Senator Jacobs. Read the bill, Mr. Secretary.

SECRETARY HARRY:

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Senate Bill 677.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 685. Senator Walsh. Take it out of the record. Senate Bill 686. Senator Walsh. Take it out of the record, Mr. Secretary. Senate Bill 707. Senator Cronin. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 707.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 709. Senator Fitzgerald. Senate Bill 709. Senator Fitzgerald. Good. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 709.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 711. Senator Parker. Take it out of the record, Mr. Secretary. Senate Bill 713. Senator Dudycz. Senate Bill 713. Take it out of the record, Mr. Secretary. Senate Bill 716. Senator Radogno. Take it out of the record, Mr. Secretary. Senate Bill 737. Senator Fitzgerald. Read the --

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read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 737.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 740. Senator Fitzgerald. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 740.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 747. Senator Fitzgerald. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 747.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 753. Senator Syverson. Senate Bill 753. Senator Syverson. Take it out of the record, Mr. Secretary. Senate Bill 755. Take it out of the record. Senate Bill 762. Senator Dudycz. Take it out of the record, Mr. Secretary. Senate Bill 777. Senator Carroll. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 777.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 781. Senator Parker. Take it out of the record, Mr. Secretary. Senate Bill 795. Senator Sieben.

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Senate Bill 795. Senator Sieben. Take it out of the record, Mr. Secretary. Senate Bill 796. Senator Dillard. Senate Bill 796. Senator Dillard. Take it out of the record, Mr. Secretary. Senate Bill 798. Senator Fawell. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 798.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 800. Senator Fawell. Take it out of the record, Mr. Secretary. Senate Bill 801. Senator Madigan. Senate Bill 801. Senator Madigan. Take it out of the record, Mr. Secretary. Senate Bill -- whoop! Senate Bill 857. Senator Burzynski. Senate Bill 857. Senator Burzynski. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 857.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Licensed Activities adopted four amendments.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 866. Senator Weaver. Read the bill, Mr. Secretary. 866. Senator Weaver.

SECRETARY HARRY:

Senate Bill 866.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Appropriations adopted

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one amendment.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 867. Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 867.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 868. Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 868.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 869. Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 869.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 870. Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 870.

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(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 871. Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 871.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

Senate Bill 872. Senator -- 3rd Reading. Senate -- Senate Bill 873. Senator Weaver. All right. I'm sorry. Senate Bill 872. Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 872.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 873. Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 873.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 874. Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 874.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

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3rd Reading. Senate Bill 875. Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 875.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senator -- Senate Bill 890. Senator Shadid. Take it out of the record, Mr. Secretary. Senate Bill 895. Senator Molaro. Senate Bill 895. Senator Molaro. Take it out of the record, Mr. Secretary. Senate Bill 899. Senator Madigan. Senate Bill 899. Senator Madigan. Take it out of the record, Mr. Secretary. Senate Bill 902. Senator Burzynski. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 902.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments -- or, no -- no committee amendments, Mr. President.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Berman, on Senate Bill 912. Out of the record. Senator Shadid, on Senate Bill 922. Out of the record. Senator Klemm, on Senate Bill 934. Senator Klemm. Read the bill, Mr. Secretary.

SECRETARY HARRY:

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Senate Bill 934.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Petka, on Senate Bill 944. Senator Petka? Out of the record. Senator Petka, on Senate Bill 945. Out of the record. Senator Fawell, on Senate Bill 950. Out of the record. Senator Dillard, on Senate Bill 952. Out of the record. Senator Klemm, on Senate Bill 959. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 959.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Shaw, on Senate Bill 968. Out of the record. Senator Cullerton, on 996 - Senate Bill 996. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 996.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Shaw, on Senate Bill 1002. Out of the record. Senator Maitland, on Senate Bill 1005. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1005.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Karpel, on Senate Bill 1007. Read the

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bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1007.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Philip, on Senate Bill 1008. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1008.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Petka, on Senate Bill 1009. Out of the record. Senator Maitland, on -- Senate Bill 1010. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1010.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Maitland, on Senate Bill 1011. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1011.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Weaver, on Senate Bill 1012. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1012.

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(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Philip, on Senate Bill 1013. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1013.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate -- 3rd Reading. Senator Philip, on Senate Bill 1014. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1014.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Philip, on Senate Bill 1015. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1015.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Philip, on Senate Bill 1016. Senator Philip. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1016.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Philip, on Senate Bill 1017. Senator

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Philip. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1017.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Butler, on Senate Bill 1018. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1018.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Dillard, on Senate Bill 1020. Senator Dillard. Out of the record. Senator Dudycz, on Senate Bill 1032. Out of the record. Senator Klemm, on Senate -- read -- Senate Bill 1039. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1039.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Parker, on Senate Bill 1041. Out of the record. Senator Jones, on Senate Bill 1048. Senator Parker, on Senate Bill 1052. Out of the record. Senator Parker, on 1053. Out of the record. Senator Parker, 1058. Out of the record.

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Senator Berman, on Senate Bill 1072. Senator Dillard, on Senate Bill 1074. Senator Severns, on Senate Bill 1076. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1076.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Dudycz, on Senate Bill 1105. Senator Klemm, on Senate Bill 1109. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1109.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator -- 3rd Reading. Senator Bowles, on -- Senate Bill 1120. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1120.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Have there been any Floor amendments that approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR JACOBS:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR JACOBS:

Wanted to thank Senator O'Malley for the nice St. Patty's Day carnation. We all received them, I understand. For a moment I thought we were slighted because I noticed that many people on that side of the aisle had them on their lapel, and then on this side Senator "O'Hendon" and Senator "O'bama" and -- and Senator "O'Rea" all had theirs in their lapel and we didn't have any pins. Talking to Senator O'Malley, he did claim that there are pins over there. So anybody wishes to put them on, he's got pins available.

PRESIDING OFFICER: (SENATOR DONAHUE)

On page 2 of the Calendar -- the intention of the Chair is to proceed to the Order of Senate {sic} Readings, so on the -- Senate Bills 3rd Reading - what did I say? - on the middle of page 10. Okay. That's my mistake. We will start where we left off. That is the normal order of business. So it's on page 13, and we will start with Senate Bill 445, at Senator del Valle. You will be first up, and then Senator Demuzio, Senator Dudycz, you're the next couple of Senators in line. On the Order of 3rd Reading is Senate Bill 445. Senator del Valle. Read the bill, Mr.

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Secretary.

SECRETARY HARRY:

Senate Bill 445.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. This bill creates a system of testing and certification of foreign language court interpreters. The Administrative Office of the Illinois Courts shall establish a comprehensive testing and certification program for language interpreters to ensure that they are qualified to provide interpreting services within the court system. It passed on an attendance roll call out of the Judiciary Committee. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 445 pass. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 1 Nay, no voting -- none voting Present. Senate Bill 445, having received the required constitutional majority, is declared passed. Senator Demuzio, on Senate Bill 450. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 450.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

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SENATOR DEMUZIO:

Thank you very much, Madam President. Senate Bill 450 is a bill that establishes some basic qualifications for persons who are acting as deaf interpreters in Illinois. Currently there are no requirements, and anyone can offer him or herself as a deaf interpreter. For the record, let me also indicate, for the purposes of legislative intent, that this bill does not apply to support staff or programs who serve the deaf and hard of hearing, according to the job description. I know of no opposition and would ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Parker.

SENATOR PARKER:

Thank you, Madam President. I just wanted to rise in support of this bill for the interpreters for the deaf and say that this also will be a function that they can work with under the new commission for the deaf, and we are very supportive of -- of this measure. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further discussion? Senator Demuzio? The question is, shall Senate Bill 450 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, 1 Nay, none voting Present. Senate Bill 450, having received the required constitutional majority, is declared passed. Senator Dudycz, on Senate Bill 452. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 452.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Madam President. Senate Bill 452, as amended, amends the Section of the law dealing with fictitious or altered identification cards. Now, these cards include the Illinois I.D. Cards and the Illinois Disabled Persons Identification Cards, making possession of -- of the fictitious card the same as the possession for a fraudulent card. Now, the difference between a fictitious and a fraudulent card is a fictitious card is one in which false information is obtained -- to the Secretary of State's Office to obtain a card, and a fraudulent card is one which resembles a real card although it -- it is not. Under current law, the penalty for possession of a fraudulent card is a Class 4 felony and the current penalty for possession of a fictitious card is a Class A misdemeanor. What this bill does is brings the penalties for Class A -- for a fictitious card the same as a fraudulent I.D. card or a fictitious driver's license or a fictitious, fraudulent card.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Farley.

SENATOR FARLEY:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Farley.

SENATOR FARLEY:

How does this affect a very senior citizen who several years ago went into the Secretary of State's Office and said that he or she might be a certain age and, in fact, they were older?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCZ:

I don't know how to answer that one, Senator Farley. I don't

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know whether -- whether, in fact, it would affect them or not. The purpose for this bill was, the law enforcement community in Chicago is -- is facing a dilemma, where the criminal is quite aware of the penalties between a fictitious and a fraudulent card, and now -- that they are coming out with all these fictitious cards to get credit cards and checking accounts, and they're not even using the fraudulent cards any longer because they know the penalty is higher.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Farley.

SENATOR FARLEY:

I understand what you're trying to do. I'm also concerned, as my question stated was, there's a senior citizen - and I know of a few that go and get a driver's license, and they come out and they say, "How do you like my picture?" And I say, "Oh, that's a very nice picture, Emily." And Emily says, "Yeah, I'm only eighty-three on this one", and they're actually ninety. And I -- I just -- you know, because it's been going on and on and on, I mean, are we making these people felons or -- what -- how does that affect that person?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDY CZ:

Senator Farley, if that -- if that senior citizen has been using -- whether any citizen has been using fraudulent or fictitious information, whether it's for a driver's license or a I.D. card, the penalty would be the same under this. I -- I don't think that there's a -- that there's a prosecutor in the State that would be going after a senior citizen who may have made a judgment call or -- or forgot their birth date and gave their age as slightly different than it actually is. This is -- this bill is aimed at the -- at those who are using the identifications for

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illegal purposes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none --  
Senator Dudycz? The question is, shall Senate Bill 452 pass.  
Those in favor will vote Aye. Opposed, Nay. The voting is open.  
Have all voted who wish? Have all voted who wish? Have all voted  
who wish? Take the record. On that question, there are 56 Ayes,  
no Nays, none voting Present. Senate Bill 452, having received  
the required constitutional majority, is declared passed. Senator  
Parker? Out of the record. Senator Cullerton, on Senate Bill  
460? Out of the record. Senator Cullerton, on Senate Bill 465.  
Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 465.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you, Madam President, Members of the Senate. This  
bill was actually passed as an amendment last year. It deals with  
tenancy by the entirety. We had passed tenancy by the entirety  
back in 1990, which is a way of holding title for married couples.  
There was a case that occurred out in DuPage County where a person  
had a judgment entered against him for over three hundred thousand  
dollars and who was -- was married at the time, and after the  
judgment was entered, he then conveyed his property from -- joint  
tenancy to tenancy by the entirety and, in effect, had the effect  
of working a fraud upon his creditors. So the purpose of this  
bill is designed to correct that and clarify that, when we passed  
that law, we -- we do want to -- if someone has their property in  
tenancy by the entirety, to protect both parties, but that if --

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if you own your property in tenancy -- in joint tenancy and there's a judgment against you, that you can't then transfer your property to a tenancy by entirety and avoid paying your creditors. Be happy to answer any questions and urge -- urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Cronin.

SENATOR CRONIN:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Cronin.

SENATOR CRONIN:

Senator Cullerton, we don't want to support a policy, of course, that permits people to avoid their creditors, although I am somewhat sympathetic, if you look at some of those cases on an individual basis. There seems to be a trend in the law right now where a lot of people are transferring over from joint tenancy to tenancy by the entirety for a lot of reasons that don't necessarily include dodging creditors. And I kind of think that that's a good thing to do - not dodge creditors, but to switch from joint tenancy to tenancy of the entirety for a lot of the good reasons, and I -- be very hesitant to support this if that would jeopardize that whole movement in the law.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Senator. I -- I agree with you. The -- the -- all property among married couples ideally should be held by tenancy by the entirety, and, of course, I think most attorneys who practice in the area are -- are encouraging their clients to do so. And when we passed tenancy by the entirety - it might have been Senator Barkhausen, I think, who was behind that - it was --

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it was a good thing. The problem was that this very, very odd result occurred out in this case out -- that I described, that occurred out in a -- in Glen Ellyn, actually, and most people were very surprised when the court took that position, because it's in direct conflict with the Uniform Fraudulent Transfer Act. And so it's only in a very limited situation, where after there's literally a judgment entered against you, you can't transfer your property into -- from joint tenancy into tenancy by the entirety; you should do it beforehand.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I think I was the one that originally entered a bill talking about tenancy -- tenants in the entirety because of several situations that I saw where husbands were going in and, in fact, taking the equity out of a home without their -- their wives' knowledge and turning around then and -- and getting a divorce, and the wife would be left with this house that she thought perhaps had been mostly paid for and found out it wasn't. Is there some way to -- to make sure, under this law, that -- that some unsuspecting wife doesn't get handed a -- a bill that she doesn't know about, that all of a sudden, because it's in joint tenancy, this is going to happen?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Well, we're not changing the basic principle that tenancy by the entirety is available for couples, and we are saying that we encourage couples to have their property in joint -- in tenancy by the entirety. And as long as they do, that -- in your example, that woman is protected. What this talks about is actually a Glen Ellyn case where the property was in joint tenancy, not tenancy by

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the entirety; there was a judgment entered against the husband for over three hundred thousand dollars; after that judgement was entered, he then transferred the property from joint tenancy into tenancy by the entirety. And the problem is that, I guess, you know, she -- in the same circumstance, if this bill passes, that woman who was protected in that case wouldn't be protected, but at the same time, it flies in the face of the Fraudulent -- Uniform Fraudulent Transfer Act. And so what we're saying is, if you meet the conditions of the Uniform Fraudulent Transfer Act, which are -- are very clear that this -- you have to actually intend to hinder, delay or defraud a creditor, as long as -- as that Act is met, I think it's a reasonable bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you. On that line, in the beginning, Senator Cullerton - and I -- and I'm sorry if I didn't hear in the beginning; I was just sort of interrupted here - let me try to give an example: If there's a joint tenancy with husband and wife and the husband -- you're going through the process of a -- of a divorce and the divorce is not final. The property -- I hope you're listening to me. The property is not resolved at this point. The husband goes out, makes bills or vice versa - or the wife - and decides that they're not going to pay the bill. Let's say after the total settlement, the property has been dissolved and everything, but the house -- usually the man -- the -- both parties' name remain on the property until the mortgage is paid. Are you saying by this bill that...

PRESIDING OFFICER: (SENATOR DONAHUE)

Just a second, Senator Collins. Can we have some order so we can hear the discussion that's going on? Take your conferences -- pipe 'em down. We got a long day. Go head, Senator Collins.

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SENATOR COLLINS:

Let's say the judgment is entered against the person who made the debt and the property still is in joint tenancy and the divorce decree is not final. And let's say now after it's found -- everything has been dissolved but the mortgage -- let's say the house went to the husband, or the house went to the opposite party, even though their name still appear on the mortgage. Are you saying, by your bill, that the creditors could still attach that home?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

No, that -- that situation is not affected by this bill. So if it's in joint tenancy, the law is not changed. All this bill says is that in that circumstance, after a judgment was entered and the property was in joint tenancy, they couldn't get out of paying that judgment by transferring it to tenancy by the entirety after the judgement was entered. But in the fact situation that you gave, if the property's in joint tenancy, the law is not changed.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Collins.

SENATOR COLLINS:

Senator, apparently you didn't hear me. I understand that. What the -- the part that I'm concerned about, usually when the people transfer the tenancy in -- in an entirety, it is to keep the creditors from attaching the property, right? Am I not right? Okay. No, it's present creditors, as well as future creditors, right? Something that you've -- you've -- it's present and future. He said future, but it's both. Okay. Granted it's both, and I'm saying the dissolution of marriage is in the process, but yet the husband goes out or the wife goes out - and

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-- and I know a case where the husband went out and actually purchased -- made a lot of debt by the -- his future wife that he was in the process of marrying when the divorce became clear - they had joint tenancy in property, and the creditors, even after the dissolution of marriage, wanted to attach the property. Now, I'm asking you, what will your bill do? And I think that's what Senator Fawell's point was. What will your bill do to impact upon that situation, pro or con?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Well, if I understand your question, the bill does not affect that situation. If -- if the property is in joint tenancy, they can go after that -- that property before this bill and after this bill passes. The only thing that this bill would do to your fact situation is to say that, after a judgment was entered against that -- in your example, that husband, he couldn't avoid paying his creditors by then transferring the property into tenancy by the entirety. But if they transferred into tenancy by the entirety beforehand - before the judgement - they're covered, and they're protected by the tenancy by the entirety law.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

My -- my concern is, if that property is awarded to the wife in the property settlement, or the husband, and they didn't make the bill, why should the property be attached by the creditors? That's my issue here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Well, that's the current law, and -- because that's how joint

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tenancy works, and this bill doesn't change that. All I would say is that this points out -- your example points out why property should be held in tenancy by the entirety by married couples. So it's to protect the woman in your example, and that's what should happen now. But this bill doesn't -- doesn't change the current Statutes with regard to joint tenancy and the ability to go after and attach that property.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further 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:

Perhaps if you could explain for all of us, supposing the -- the property is held in joint tenancy and there is a judgment on it, how does it affect the joint tenancy?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Senator, this bill does not change the current law with regard to that. What this bill says is that if there's a judgment against a joint tenant, that they cannot, after the judgment, transfer the property into tenancy by the entirety so as to avoid the judgment.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I understand that. What I'm trying to say to you, though, is supposing -- if you'll explain that -- what is the significance. If there's a judgment against a joint tenant -- a joint tenancy, do both joint tenants have to pay the judgment? That's what --

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this is what has to be made clear here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Yes, that's what I understand the current law is; that if you hold it in joint tenancy, that if there's a judgment against one, it's a judgment against both. And that's why we encourage married couples to put their property in tenancy by the entirety.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

And your bill is in effect saying that if the property is in joint tenancy and one of the joint tenants wants to avoid paying a judgment, you'll quickly transfer it to tenancy by the entireties. And you're -- what your bill says is that would be fraudulent. Is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR CULLERTON:

Yes. I think this is a fair bill. I hope I've answered the questions as best I can. I was trying to listen to the questions as best I could and I hope I answered them, and I would appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 465 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take

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the record. On that question, there are 55 Ayes, no Nays, 1 voting Present. Senate Bill 465, having received the required constitutional majority, is declared passed. Senator Burzynski, on Senate Bill 467. Out of the record. Senator Klemm. Out of the record. Senator Radogno. Out of the record. Senator Severns, on Senate Bill 484. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 484.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President, Members of the Senate. Thank you, Madam President, Members of the Senate. Senate Bill 484 clarifies the original Research and Development Tax Credit Act that I offered several years ago. It is not retroactive, but prospective, indicating that all business entities formed as -- as subchapter S corporations is business entities eligible for the R and D income tax credit. It is prospective. Senator Peterson added an amendment that clarified that business entities formed as limited liability companies are eligible also for the -- for the enterprise zone qualified investment credit, the research and development tax credit, and the training expense credit. There was no opposition in committee. I'd be happy to answer any questions and would urge a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 484 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays,

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none voting Present. Senate Bill 484, having received the required constitutional majority, is declared passed. Senator Madigan, on Senate Bill 490. Out of the record. Senator Geo-Karis, on Senate Bill 496. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 496.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, Senate Bill 496 amends the Section of the law regarding the capacity of a motorboat which is pulling a person on water skis. And current law states that no person may operate a motorboat which has in tow a person on skis unless the motorboat is occupied by at least two competent persons. This bill simply requires that the motorboat have a capacity of at least three persons. And further, the bill also states that no person shall allow a person in a motorboat to ride or sit on the gunwales, tops of the seat backs, or on the decking over the bow or stern while the boat is underway, unless that person is inboard of the guards or rails provided on the boat to prevent passengers from being lost overboard. And lastly, the bill raises the age at which a livery may lease or rent a personal watercraft - a jet ski - from twelve to sixteen years of age. I might tell you that I got a clipping here from Senator Sieben from the Quad City Times dated the 13th, I think it was, of -- the 11th of March, saying that jet skis are accidents waiting to happen and in -- Iowa has taken stronger measures to do the same things we're doing here. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Klemm.

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SENATOR KLEMM:

Yes. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Klemm.

SENATOR KLEMM:

Senator Geo-Karis, during our hearings that we had in Antioch and other locations that you chaired and that I was a member of, one of the concerns I had about jumping the wake of a hundred and fifty feet was that, in the Fox River, there are places where the river is not even a hundred and fifty feet wide. That would mean that nobody could ever pass each other, in a boat, that was on water skis. And I was wondering how we were addressing that in this bill now?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator Klemm, we took that Section out. We took it out.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm. Further discussion? Further discussion? Seeing none, the question is, shall Senate Bill 496 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 496, having received the required constitutional majority, is declared passed. Senator Madigan, on Senate Bill 497. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 497.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

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SENATOR MADIGAN:

Thank you, Madam President, Members of the Senate. Senate Bill 497, as amended, does two things. It corrects a drafting error in the original bill and restores the Realtors' exemption under the Residential Mortgage License Act, and the second thing that Senate Bill 497 does is it, as amended, tightens up the current exemption for people who may originate up to ten loans in any one year. This further clarifies and restricts the exemption for those people so that it would -- so that those people who would qualify under the exemption, number one, do not originate mortgage loans in the ordinary course of their business and, secondly, that they maintain a true business office or location in the State of Illinois, and those exemptions would be limited up to ten loans in any one year. It's intended to strengthen the exemption in preparation for people who may be soliciting mortgage business on-line. I'd be glad to answer any questions on Senate Bill 497, as amended. I'm not aware of any opposition to the bill as presented.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 497 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. Senate Bill 497, having received the required constitutional majority, is declared passed. Senator Klemm, on Senate Bill 500. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 500.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President. Senate Bill 500 amends the Illinois Purchasing Act to provide for an increase in the minimum threshold for capital improvement projects where the project shall be subject to the supervision of a licensed architect or engineer. This affects the small capital projects that is at the same minimum level as required by law for projects under the Americans with Disability Acts {sic}. This was brought to me by the community colleges. They support the bill, and I know of no other opposition to the bill and I would ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 500 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 500, having received the required constitutional majority, is declared passed. Senator Lauzen? Read the bill, Madam Secretary, on Senate Bill 508.

ACTING SECRETARY HAWKER:

Senate Bill 508.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. This bill, Senate Bill 508, imposes the responsibility for the expenses incurred for an inmate's incarceration in the Department of Corrections on the criminal. The Department is required to establish a rate based on the average per capita cost per day. This is an Attorney General

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bill, and the Attorney General is authorized to file claims in probate and bankruptcy courts to recover these costs of incarceration. This is the same -- this is the same language that was incorporated and favorably approved in Public Act 89-428. It passed out overwhelmingly with forty eight votes the last time it was here in the Senate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Jacobs.

SENATOR JACOBS:

Senator, the only concern I have with this -- I -- I think what you're trying to do is very, very good. My only concern that I do have: Is there -- if you have a married couple, as an example, is there any protection for the wife and the rest of the family for the assets that that person may have? Is that taken into consideration, or do we just take everything and -- and put these people on the welfare rolls? That would be my only concern with the bill, and if you could respond to that, I'd certainly appreciate it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Senator. I think that that's a very legitimate concern. It's been addressed. This makes no changes to the protections that are currently in the law.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Cronin.

SENATOR CRONIN:

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Thank you. I just wanted to ask Senator Lauzen, if the prisoner -- or after he gets found guilty and he's on his way to prison, he decides to put his estate into tenancy by the entirety, would he be able to avoid the judgment here?

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further discussion? Senator Lauzen, to close.

SENATOR LAUZEN:

I would just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Question is, shall Senate Bill 508 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 508, having received the required constitutional majority, is declared passed. Senator Shadid, on Senate Bill 509. Senator Shadid? Senator Shadid? Out of the record. Senator Watson, on Senate Bill 522. Out of the record. Senator Watson, on Senate Bill 524. Out of the record. Senator Dudycz, on Senate Bill 528. Out of the record. Senator Cronin, on Senate Bill... Senator Dudycz, on Senate Bill 528. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 528.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDY CZ:

Thank you, Madam President. Senate Bill 528 amends the Metropolitan Water Reclamation District Act to allow the board of commissioners to authorize transfer within the Agency -- within

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departments in the Agency after March 1 of a fiscal year, rather than currently after June 30th of the fiscal year. This bill would allow the district to respond more efficiently for their fiscal realities that they are being faced with.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 528 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. Senate Bill 528, having received the required constitutional majority, is declared passed. Senator Cronin, on Senate Bill 529. Out of the record. Senator Walsh, on Senate Bill 537. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 537.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Walsh.

SENATOR WALSH:

Thank you, Madam President. Senate Bill 537 requires additional information from organizations seeking to be qualified to receive payroll deductions. Such an organization must certify to the Comptroller that it maintains a year-round office, phone number and a person responsible for its operations in Illinois. The -- the organization must also submit to the Comptroller an annual audit. And I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 537 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted

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who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 537, having received the required constitutional majority, is declared passed. Senator Karpel, on Senate Bill 545. Out of the record Senator Dillard, on Senate Bill 547. Out of the record. Senator O'Malley, on Senate Bill 548. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 548.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President, Members of the -- of the Senate. Senate Bill 548 authorizes Secretary of State to issue license plates for presidents of a village or incorporated town, or mayor. The design of the plates is wholly within the discretion of the Secretary. An applicant would also be charged a fifteen-dollar fee in addition to the usual registration fee to offset administrative processing expenses in the Secretary of State's Office. I'd be happy to answer any questions there would be. I also want to make sure that everybody understands however, this is purely discretionary and totally within the authority of the Secretary of State's Office to implement. It is not mandatory.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate -- or, further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Senator O'Malley, is it true that if Senator Shaw gets elected he'll be "Mayor 1" on his license plate? Is this bill for Senator Shaw or what?

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Senator O'Malley.

SENATOR O'MALLEY:

No, it is not intended for Senator Shaw, but I think he's interested in the issue.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Viverito.

SENATOR VIVERITO:

...of this bill because I think it's a good one by the Senator. There's an awful lot of mayors and presidents out there that have emergency-type situations that they go to and a lot of times they don't recognize the car by the -- the license plate, and this one will -- will be able to give them a lot more respect in an emergency-type situation. And I think that Senator O'Malley probably should have also included the township supervisors as well, but I hope everyone will vote green on this one.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Farley. Just a second. Senator Farley.

SENATOR FARLEY:

A question -- question of the sponsor, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Farley.

SENATOR FARLEY:

Is this license plate going to have a special front plaque or a number? What -- what -- Senator Viverito referred to some kind of emergency situation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Farley, I think that's a good suggestion that you're making, that that's a possibility, and I think that the Secretary's going to come up and totally implement this program in

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any way he decides would be appropriate under the circumstances.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Demuzio, for a second time.

SENATOR DEMUZIO:

Well, thank you, Madam President. First of all, I want to declare that I may probably have a conflict of interest on this bill. My son's the Mayor of Carlinville. But I intend to vote in the affirmative.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR O'MALLEY:

I -- just that I would appreciate your support for this legislation. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 548 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 Ayes, 5 Nays, no voting Present. Senate Bill 548, having received the required constitutional majority, is declared passed. Senator Parker, on Senate Bill 550. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 550.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 550 provides a new provision to the Criminal Code that would mandate firearms tracing for all firearms

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recovered from a minor under twenty-one years of age who is not permitted by federal or State law to possess firearms. This passed out of Judiciary on the Agreed Bill List. I would ask for a favorable vote and answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Obama.

SENATOR OBAMA:

I would just rise in support of this -- this excellent bill. The City of Boston, as I understand it, has instituted this similar tracing provision and it has resulted in -- it's been part of a strategy that's resulted in almost no juvenile homicides in that city over the last year. So I would strongly urge a Yes vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Further discussion? Seeing none, Senator Parker, to close? Senator Parker.

SENATOR PARKER:

I just ask for a Yes vote. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Question is, shall Senate Bill 550 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, no Nays, none voting Present. Senate Bill 550, having received the required constitutional majority, is declared passed. Senator Cronin, on Senate Bill 557. Out of the record. Senator Peterson, on Senate Bill 558. Out of the record. Senator O'Malley, on Senate Bill 560. Out of the record. Senator O'Malley, on Senate Bill 561. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 561.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President, Members of the Senate. Senate Bill 561 requires the Human Resource Investment Council to recommend a comprehensive set of workforce preparation and development goals and implementation strategies for the development and coordination of -- coordination of the human resource system to the General Assembly and the Governor, rather than to adopt such goals and strategies. In effect, this makes it possible for the General Assembly to have some oversight with respect to the recommendations coming from this Council, including its investment strategy. I'd be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Seeing none, the question is, shall Senate Bill 561 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 561, having received the required constitutional majority, is declared passed. Senator Watson, on Senate Bill 568. Out of the record. Senator Watson, on Senate Bill 569. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 569.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

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Yes, thank you, Madam President. This piece of legislation would require the State Board of Education to provide or arrange to have education -- educators liability insurance coverage in certain specific amounts to every certified school employee that requests it. Only those who would request it would -- would be made available of this insurance. It would be a one-million-dollar per person per occurrence, not including any civil rights issues or claims; two-hundred-and-fifty-thousand dollar per person -- it's a normal liability coverage that most teachers have. And this would cost -- an estimate cost, if everybody took advantage of this, would be somewhere between -- roughly around three million dollars. Be glad to answer any questions. There was no opposition in committee, and appreciate the vote of the Senate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 569 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 Ayes, 4 Nays, none voting Present. Senate Bill 569, having received the required constitutional majority, is declared passed. Senator Karpel, on Senate Bill 570. Out of the record. Senator Obama, on Senate Bill 574. Out of the record. Senator Butler, on Senate Bill 591. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 591.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler.

SENATOR BUTLER:

Thank you, Madam President. Ladies and Gentlemen, Senate Bill

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591 answers the age-old question: When is an insurance company an insurance company? There are Statutes on the books in Illinois that -- that state that the State has power to regulate insurance companies, and there are some local communities who impose taxes beyond what the State considers to be their -- their authority. In other words, if you're -- have -- if you write homeowners insurance and automobile insurance, et cetera, this is a function of the State, yet some...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler, just a second. Can we take our conferences off the Floor? Senators, be in your seat. We're on 3rd Reading. Senator Butler.

SENATOR BUTLER:

Thank you. In other words, when is an insurance company -- an insurance company, and certainly, in my mind, a title insurance underwriter is certainly -- should be classified as an insurance company. The language in this bill simply clarifies what we believe to be the existing law; that is, that municipalities do not have the ability to levy taxes or fees on title insurance -- insurers. And I would be happy to answer any questions.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President, Ladies and Gentlemen of the Senate, I rise in favor of this bill because a title company -- title insurance does

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insure titles and I'm all for it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Senator Carroll.

SENATOR CARROLL:

Thank -- thank you, Madam President. First a parliamentary inquiry. Is this a preemption bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

And the ruling of the Chair is this bill does -- is -- preempts home rule pursuant to subsection (g) of Section 6 of Article VII of the Illinois Constitution, and it shall require thirty-six votes for passage. Senator Carroll.

SENATOR CARROLL:

Thank you for your very informed, off-the-cuff response.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further...

SENATOR CARROLL:

No, no. Also, to the bill itself...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Carroll.

SENATOR CARROLL:

...and I know I asked this in -- in committee as well, but it is my understanding that -- that these types of -- of insurance companies, title insurance companies, are taxed very differently than either domicile, domestic insurance companies or other types and, therefore, eliminating this municipal tax is very different than what happens in the rest of the insurance industry. The argument, as I heard it from the title company, was "treat us the same", but then they said, "but just don't treat us this way." But they're not really being treated the same because of the way in which the insurance industry is regulating it based on premium dollars produced and -- and a whole bunch of other factors. So I think that that was -- that that -- the treatment that exists

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under current law is the correct treatment.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Walsh? Further discussion?  
Senator Butler, to close.

SENATOR BUTLER:

Thank you very much. Ladies and Gentlemen, I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Question is, shall Senate Bill 591 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 42 Ayes, 8 Nays, 4 voting Present. Senate Bill 591, having received the required constitutional majority, is declared passed. Senator Peterson, on Senate Bill 592. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 592.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

Thank you, Madam President, Members of the Senate. Under current law, businesses with multistate locations determine corporate income subject to Illinois taxes by using a four-factor apportionment formula: personnel, payroll, and sales, double-weighted. Senate Bill 592 eliminates that formula and instead provides that income shall be apportioned to Illinois by multiplying the income by the sales factor. Appreciate affirmative vote on Senate Bill 592.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Severns.

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SENATOR SEVERNS:

Thank you, Madam President, Members of the Senate. I join Senator Peterson in urging a favorable roll call. I think this is a bold and necessary initiative that will help take us into the next millennium and hopefully help provide those jobs and incentives for our companies - Illinois companies - to regain their competitive edge. I would urge a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, the question is, shall Senate Bill 592 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have you all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 592, having received the required constitutional majority, is declared passed. Senator Peterson, on Senate Bill 593. Out of the record. Senator Butler, on Senate Bill 594. Do you wish to have this bill returned to 2nd Reading for the purposes of an amendment? Hearing no objection -- Senator Butler seeks leave of the Body to return Senate Bill 594 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. And on the Order of 2nd Reading is Senate Bill 594. Read the bill, Madam Secretary. Oh! Are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Butler.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler.

SENATOR BUTLER:

Yes. Thank you very much. We -- we've discovered a drafting error and I ask that this be pulled back so we can correct it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, all

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those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator del Valle, on Senate Bill 595. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 595.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. Senate Bill 595 requires appraisers to operate in compliance with the federal Fair Housing Law and the Illinois Human Rights Act and requires the Commissioner of Banks and Real Estate to, by rule, establish minimum study requirements in fair housing and fair lending for initial licensing and for continuing education.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill -- 595 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 595, having received the required constitutional majority, is declared passed. Do I have leave of the Body to come back to Senate Bill 599? Leave is granted. Senator Watson, on Senate Bill 603. Read the bill, Madam Secretary.

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ACTING SECRETARY HAWKER:

Senate Bill 603.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Yes, thank you, Madam President. This is truly a vehicle, and as most of you may know, there's some eight different Practice Acts that are up for sunset during this particular point in time, and we wanted a vehicle just available to us if -- if we run into some problems.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 603 pass. Those in favor will vote Aye. Opposed, Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. Excuse me. 54 Ayes, no Nays, 1 voting Present. Senate Bill 603, having received the required constitutional majority, is declared passed. Senator Madigan. Out of the record. Senator Lauzen. Senate Bill 618. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 618.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. Senate Bill 618 amends the Use Tax Acts -- Act and Retailers' Occupation Tax Act. It provides

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that the sale of nonreusable tangible personal property used in delivering, packaging or consuming food to persons operating a restaurant, cafeteria or drive-in and is transferred by the restaurant, et cetera, as part of the sale of food, food products and beverage is not a sale at retail but is a sale for resale, for purposes of the Acts. This is an agreement between the Illinois Retail Merchants Association and the Department of Revenue.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 618 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 618, having received the required constitutional majority, is declared passed. Senator Demuzio, 626. Out of the record. Senator Rauschenberger, on Senate Bill 648. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 648.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. {sic} President, Ladies and Gentlemen of the Senate. Senate Bill 648 specifically includes optometric care as a -- under the managed care program of the -- of Medicaid. When we -- as we developed the Medicaid Program over time, optometrists were not included, but access issues downstate and in many areas in Chicago I think make it recommended that we add optometrists specifically to those able to provide direct care under the Act.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 648 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 648, having received the required constitutional majority, is declared passed. Senator Lauzen, on Senate Bill 657. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 657.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. Senate Bill 657 gives Lottery winners a choice to either receive lump sum award or an annuity, which is the current situation. How this would work is that the -- a thirty party, like a financial institution, would provide an up-front payment in exchange for the annuity that the current prize is. There were -- there were several objections that were discussed in committee and -- before it was successfully reported out. Those are -- that this would represent constructive receipt; however, there's a Colorado ruling that I'd be happy to share if it's of interest to the Body. Fourteen other states already allow this, and then in twenty years of my experience as a CPA and filling out four hundred and fifty tax returns a year, I believe that it is not constructive receipt. The second concern was that there would be no protection for people who would make these assignments, and yet, in the bill, there are five stipulations that -- it would require a winner to have independent legal counsel and have the opportunity to receive independent financial

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advice. A court must approve the dealings. It gives the winner three days' window to rescind the deal. Requires all important information regarding the sale be clearly disclosed in the contract, and it specifies that if the IRS or courts were to conclude constructive receipt, then this Statute would be suspended. And then, finally, this passed the -- Senate Revenue and the whole Senate in 1995. So we voted on it and passed it out in the past.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Berman.

SENATOR BERMAN:

There have been discussions with people that are interested in this bill about an amendment that would require an IRS ruling that would affect Illinois before this bill was submitted to us for -- for 3rd Reading. I thought this was going to be held for that amendment. Is -- am I misinformed?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Senator, you may not be misinformed, but no one has mentioned that to me. No one.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Berman.

SENATOR BERMAN:

Well, let me explain to you what my objection is to the way the bill is presently presented to us. The bill that we passed two years ago, I believed, and the bill that we've been talking about today would require the IRS - the Internal Revenue Service - to

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issue a ruling that would not make the winner of the Lottery who did not wish to assign their prize, it would -- it would -- their ruling would say that that person would not be liable for the taxes. In other words, there would not be constructive receipt. Without that kind of a provision in this bill, if we pass a law that says that it -- that the winner can assign the Lottery prize for a cash amount, under existing law that would torpedo the State Lottery because the IRS would construe every winner as having the option to get a cash value immediately upon the win. Nobody would buy the State Lottery anymore. The reason that we -- and I thought I had an agreement with the people that are interested in this bill that we would amend this to say that if you want to assign it, you get cash, you pay the taxes; if you don't want to assign it, you don't have constructive receipt and you won't be liable for the taxes. That provision is not in this bill, and I would respectfully suggest that we -- you know, I don't want to kill the bill, but it -- but that condition is necessary to be in this bill; otherwise, no one is going to be buying the Lottery because they will face -- if I won a twenty-million-dollar prize that pays me a million dollars for the next twenty years, the day after I win it, Uncle Sam will be knocking on my door, say, "Berman, you owe us six million dollars, thirty percent of the twenty million." Because you can assign it. It's up to me, Berman, to assign it. Without that kind of a provision, this bill is going to torpedo the State Lottery. I urge you to take it out of the record or I'm going to vote No, and I solicit everybody else to vote No until we get that corrected.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

You know, I appreciate your concern, although, you know, naturally I would have appreciated, rather than at the last

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moment, someone suggesting. But to deal with the issue of constructive receipt, again, there would be three responses to that, and, frankly, this is not a matter of constructive receipt at all. In the case that you mention about an annuity being paid, the only way that a person -- well, first of all, the only way that -- first of all, we all pay taxes on income that we receive. The fact that a person receives income spread over twenty years, when they receive the income, they -- that's when they pay their tax. However, in the case of constructive receipt, if a person had an option, in order for what you're saying to actually take place, you have to be able to establish the amount of income, and without exercising the assignment, in order to figure the tax, which is the income times, you know, the tax rate, you don't have an amount that can be determined. And as you're probably aware, constructive receipt cannot be established without having the amount of the income determinable. And, again, I would like to emphasize, for the Body as a whole, that there are fourteen other states that do that, that already have this provision, and there's a letter ruling from Colorado, and in addition, there's a final safeguard that if -- Senator Berman, if your position would turn out to be right, then this law would be invalidated.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

Thank you. If I'm right, the law is not invalidated, Senator Lauzen. You'd have a law on the books that would allow assignment, and the IRS would come in and say because prizewinner Berman has the right to assign - the right - not that I did it - the right to assign my prize for cash, and they can come in and show what the present cash value is of that hypothetical twenty million dollars over twenty years - that may have a present value - pick a number - six million dollars - they will tax me on that

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six million dollars. And what other states have done, Colorado went to the IRS before they passed this bill and got a ruling from the IRS. That was a precondition to that step by Colorado. That's not built into this law. And what you're going to do without that kind of a provision is to undercut all of the winners of the State Lottery. The question of how much, that's easily determined. If my next-door neighbor won the same prize a month ago and sold it for six million dollars, that's what the IRS is going to say that I could sell it for. And I've just got to tell you that, without that condition in there, you're undercutting the entire process of the State Lottery.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Dillard.

SENATOR DILLARD:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Dillard.

SENATOR DILLARD:

Senator Lauzen, in our lengthy analysis on our computer on the desk, I'm sort of unclear, but I think they might be opposed. But what's the official position of the Illinois Department of Lottery on your bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen.

SENATOR LAUZEN:

They're opposed. As they state in their one-page position paper, they claim that Senate Bill 657 could change the public's focus from the annuity prize amount to the cash value, which is forty to fifty percent less than the annuity prize amount. This could result in lower player participation and decrease the level of transfers that are being deposited in the Common School Fund,

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as competing states will offer larger prizes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

If the sponsor will yield for one more question. So, Senator Lauzen, what's your answer to the claim of the Lottery Department that this, in fact, could result in fewer Lottery sales, which means less income to the Common School Fund?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen.

SENATOR LAUZEN:

Well, my answer to that is twofold. Number one, I think that Senator Walt Dudycz, during the debate in committee, said, you know, if we have a problem in truth in advertising, that when we claim that we have ten-million-dollar prize but it's really the present value of that future stream is 5.8 million or 5.9 million, what we should be concerned with is establishing what the correct amount is, as opposed to protecting something that might be a myth. Secondly, as we're all aware, the Lottery does not go to the Common School Fund, or if it does go, the effect of that is that it's just removed out of the General Revenue Fund. So when people claim, as this sheet from the Lottery claims, that the Lottery goes to education, I would think that all of us who have followed how that appropriation works knows that it does not go to education, in net effect.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and Members of the Senate. And let me just reconfirm what the -- the previous two speakers have already said. Senator, the -- the Lottery officials are absolutely opposed to this bill, and it was not just on the basis

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that it may lose some of the players because of the -- the actual amount of the -- the winnings would be probably forty to fifty percent less that the possibility of a drop-off in players. They also was concerned and they came to two separate hearings on the same issue in reference to the constructive receipt. They feel that the way this bill is drafted, just as Senator Berman articulated, that -- that they -- it would be subject to taxes, not only the current winners but maybe even a possibility of former winners, and most certainly future winners, and that that would pose a serious problem. Further, I think this -- this -- this particular bill is something geared toward just big business. This is an opportunity for business to horn in on the -- the winnings of -- and take advantage of some people who've probably once in a lifetime and probably never even imagined that they would come into some kind of money like this, windfall like this, and this is an opportunity for people to take advantage of them. I think that we should leave Illinois Lottery alone. There are already some concerns about gambling in Illinois, the proliferation of that gambling, the impact on the Lottery. We should leave it alone right now. Maybe other states have given this opportunity to their winners, but as Senator Berman have said, it has been structured in a way that it would not harm those winners in any kind of way. The Lottery people, I -- they have looked at this issue, they have researched the issue, as it relates to constructive receipts. They have tried to get the sponsor to understand it, that it does apply the way this -- this bill is drafted. He keep moving forward, recognizing that it will or possibly will hurt the Lottery in Illinois - not only the Lottery, but the people who have been struggling to win. I think we should either take this bill out of the record until at such time we have more information about the real impact of it, and not move it forward. This is about business. This is not about

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revenue for Illinois and for education and for the citizens of this State. I think this is a bad idea and -- at the wrong time.

PRESIDING OFFICER: (SENATOR MAITLAND)

Ladies and Gentlemen, please give the sponsor the courtesy of your attention, would you please? Senator Molaro.

SENATOR MOLARO:

Thank you. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. Well, I talked to Department of Lottery and they said they did some studies on what they thought this would do. Okay. We're taking -- or, at least your bill takes an opposite view of their viewpoint, so therefore I'd like to know what studies may have been done by the sponsors of this bill to show that, in fact, it will not hurt Lottery sales.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen.

SENATOR LAUZEN:

I would say that we can look to -- it depends on what issue. I think that the real concern that the Lottery has is that right now what we have in the Lottery when we advertise a ten-million-dollar prize is something that is very different. I think that this is an opportunity to let winners choose whether they want to receive a lump sum payment - that does not affect the Lottery - or the stream of payments over the twenty years.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

Thank you. Then just to the bill: You know, I don't know why we're micromanaging gaming, but Senator Lauzen may become a spokesman on gaming sometime in the future, and he can micromanage

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it all day long. However, let me just say this: It would make sense to me that if the Department of the Lottery - and their job is to make sure we get the best bang for our buck - comes up and spends all this time, and they happen to be against it. So, what we're saying is, we want to make sure that we take care of the winners. So I would just think that if it's going to cost the State of Illinois and the Lottery and education - wherever the dollar goes - and it costs us money and add that to the expense, because I assume the only reason you're doing this is make it better for the winner, well, jeez, they won already. We can't give them a double Lottery hit. They won already. If it's going to hurt the Lottery, I think that the people who run the Lottery have a better handle on what's best for the Lottery than we do, unless there's some studies you could show me, which you can't, so I would urge a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. I'm a little confused by some of the rhetoric going on in this Chamber on this bill. What are we talking about here, Senator Lauzen? Whose money are we talking about? Are we talking about the State money, are we talking about the -- the Lottery's money, or the -- the winners' money?

PRESIDING OFFICER: (SENATOR MAITLAND)

Is that a question, Senator Dudycz? Senator Lauzen.

SENATOR LAUZEN:

We're talking about the winners' money.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCYZ:

Then I don't understand the opposition to the bill. When -- when I'm watching television or listening to the radio, the

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Lottery advertises ten million dollars to a single winner, five million dollars to a single winner. They don't say four hundred thirty-three thousand dollars to a single winner over a period of twenty -- twenty years, less taxes and other fees. They talk about a lump sum. Now, if you're going to be -- what about truth in advertising? If we're going to be advertising the truth to the people of the State of Illinois that we are -- that we are giving them millions of dollars as Lottery winnings, why don't we give them the option of choosing whether they want it in a lump sum or -- or given out over the twenty-year period? And if the Lottery has a problem with this bill, then why don't they start advertising the truth? Why don't they tell the people in the State of Illinois, "You're not going to win ten million dollars; you're going to win X amount of dollars over the period of twenty years"? And let's -- let's stop this deception of the public. Otherwise, vote for the bill, let the people who win the money, the ones who are -- are gambling, who are betting on the Lottery, let them -- let them decide what they want to do with their money.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Lauzen, to close.

SENATOR LAUZEN:

Thank you very much. First of all, this is a very good bill. This is a good concept and it deserves your support. As Senator Dudycz says, this is really an issue of truth in the Lottery. I think that we should give the people who win the choice of whether they receive the lump sum or the stream of payments. On the issue of constructive receipt, again, I've been doing this, feeding my family for twenty years; constructive receipt's a pretty regular kind of issue we deal with every day as accountants. But even if you didn't take my word for it, I would say to look in the -- between lines 164, 170, for reassurance in the bill that, quote, "Upon receipt of a letter or ruling from the IRS or a published

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decision of a court of competent jurisdiction...the Director shall immediately file a copy of that letter...." et cetera. Immediately upon the filing of that letter, a prizewinner shall be ineligible to assign the prize pursuant to this Section. So even if it's true that constructive receipt takes place, then that would invalidate this law. So the assurance is already in this legislation. We should have nothing to fear by having truth in the Lottery. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 657 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 26 Ayes, 28 Nays, no Members voting Present. Senate Bill 657, having not received the required constitutional majority, is declared failed. Senator Lauzen.

SENATOR LAUZEN:

Would you put that on Postponed Consideration, please?

PRESIDING OFFICER: (SENATOR MAITLAND)

Postponed Consideration. Senate Bill 675. Senator Dillard. Senate Bill 678. Senator O'Malley. Senate Bill 679. Senator O'Malley. Senate Bill 680. Senator O'Malley. Senate Bill 682. Senator Walsh. Senate Bill 684. Senator Walsh. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 684.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President. Senate Bill 684 moves the Public

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Assistance Recoveries Trust Fund from outside the State Treasury to a special fund within the State Treasury subject to appropriation from the fund to the Department of Public Aid. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 684 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 56 Ayes, no Nays, no Members voting Present. Senate Bill 684, having received the required constitutional majority, is declared passed. Senate Bill 689. Senator Donahue. 689? Senate Bill 690... I'm sorry. Read the bill, Madam Secretary. I'm sorry, Senator. 689.

ACTING SECRETARY HAWKER:

Senate Bill 689.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Mr. President. Senate Bill 689 is a audit finding in regard to the Department of Illinois Emergency Management {sic}, and it's simply to allow the locals to make the decisions. There was a lot of concern initially, until people understood what the bill was about. To my knowledge, there is no opposition, and I would simply ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 689 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted

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who wish? Take the record, Madam Secretary. On that question, there are 24 Ayes, 25 Nays, 6 Members voting Present. Senate Bill 689, having not received the required constitutional majority, is declared failed. Senator Donahue, for what purpose do you arise?

SENATOR DONAHUE:

Just hold one second, please.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Let's move on. Senate Bill 690. Senator Weaver. Senate Bill 691. Senator Butler. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 691...

PRESIDING OFFICER: (SENATOR MAITLAND)

Out of the -- out of the -- out of the record. Senator -- 693. Senator Butler. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 693.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Butler.

SENATOR BUTLER:

I'm sorry for the confusion, Mr. President. Ladies and Gentlemen, Senate Bill 693 corrects a -- an ambiguity in Public Act 89-592, which we passed on August 1st of 1996. This concerns the investment of public funds in -- in the -- in IRMA, in the Illinois Risk Management pool. This clarifies the -- the matter to indicate that the only funds which can be invested in the IRMA is -- are monies... Wait a minute. I'm sorry. Yeah. In the self-insurance funds only. It -- the way the law reads now, it would have permitted all public funds to be invested in Risk -- Risk Management Association. So this is a clarification to be certain that only those kinds of funds are invested.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Molaro.

SENATOR MOLARO:

Yes, this... Mr. President, thank you. This is actually a point of personal privilege. It's not a...

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, sir.

SENATOR MOLARO:

I -- I certainly don't want to slow the process down and -- and I'll wait for Senator Donahue to -- when she resumes the Chair. I've been here four and a half years, and for our new Members, I just was not aware of what just took place, and I thought maybe there's some -- something we're not aware of, she could explain what took place to us when -- on her bill when she assumes the Chair. That's all. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there further discussion? If not, the question is, shall Senate Bill 693 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 54 Ayes, no Nays, 1 Member voting Present. Senate Bill 693, having received the required constitutional majority, is declared passed. Senate Bill 699. Senator Rauschenberger. Senate Bill 700. Senator O'Malley. Senate Bill 710. Senator Fitzgerald. Senate Bill 712. Senator Karpel. Senate Bill 720. Senator Cronin. Senate Bill 723. Senator Karpel. Senate Bill 723. Senator Karpel? Senate Bill 730. Senator Fawell. Senate Bill 734. Senator Smith. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 734.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 734 is, prior to a prospective resident's admission to a nursing home, the facility must advise the resident to consult a doctor to ascertain whether he or she should receive a vaccination against pneumococcal pneumonia. According to the study released last month by the federal Centers of Disease Control and Prevention, the CDC, senior citizens should be immunized against a potential fatal type of pneumonia before they move into a nursing home. The goal of Senate Bill 734, as amended, to Senate Amendment No. 2, is to protect the health of senior citizens and the infections rate in nursing homes. According to the Department of Public Health, the pneumonia shot is given once a year. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 734 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 55 Ayes, no Nays, no Members voting Present. Senate Bill 734, having received the required constitutional majority, is declared passed. Senate Bill 738. Senator Dudycz. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 738.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

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SENATOR DUDYCZ:

Thank you, Mr. President. Senate Bill 738 is an initiative of the Chicago Police Department. As you know, the Criminal Code currently defines "force likely to cause great bodily harm" to include the firing of a -- of a firearm in the direction of a person to be arrested or at a vehicle in which the person to be arrested is riding. The Chicago Police Department has developed firearms which shoot projectiles that do not cause great bodily harm or deaths; for example, bean bags, and they shoot -- or -- or large rubber bullets that are used in situations where -- where the person to be arrested, he's either suicidal or in a hostage situation. And the peace officers -- the bill states that a peace officer's discharge of a firearm using ammunition designed to disable or control an individual without creating the likelihood of death or great bodily harm shall not be considered force likely to cause great -- or, death or great bodily harm within the meaning of the subsections.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 738 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 55 Ayes, no Nays, 1 Member voting Present. Senate Bill 738, having received the required constitutional majority, is declared passed. Senate Bill 772. Senator Halvorson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 772.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Halvorson.

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SENATOR HALVORSON:

Thank you, Mr. President and Members of the Senate. Senate Bill 772 is a bill that passed out of committee unanimously. Last year in Crete Township there were three children who were senselessly killed in a hit-and-run crash. Believe it or not, the accused hit-and-run driver may end up with only probation. This legislation would increase the penalties for people leaving the scene of a fatal or personal injury accident to a sentence of three to fourteen years in prison with no possibility of probation and a three-year license revocation. The current penalty for leaving the scene of an injury accident is a prison sentence of one to three years, a one-year license revocation, and the possibility of probation. The bill would also provide that a driver involved in a motor vehicle accident that results in death or personal injury must report the accident to the police as soon as possible. It must be reported no later than one hour after the accident, instead of within three hours after the accident as it -- as the current law states. There is -- I'm pleased to say I have quite a few cosponsors, and I do ask for a favorable vote. I will answer your questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. Although I certainly agree with the purpose of the bill, I would like to ask the sponsor a question.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates she will yield, Senator Fawell.

SENATOR FAWELL:

Senator, several years ago we had a -- a bill that reduced the time that somebody could report an accident without being charged as a felon for a hit-and-run drive from twenty -- from forty-eight hours down to three. You have now reduced this down to one hour,

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and that, as we've discussed, causes me some concern. My -- my son did have a -- a client that didn't realize that he had actually hit a person, and by the time he was notified and got the client over to the -- to the police department, it was indeed two hours and forty-five minutes. And -- and my concern is, you've lessened this time now. We've gone from forty-eight hours to three hours. Just because of the fact that a number of the people that are involved in these accidents may indeed be drunk, we went from -- from -- now we're going from three hours to one hour. If somebody does not get to a police...

PRESIDING OFFICER: (SENATOR MAITLAND)

Proceed, Senator Fawell.

SENATOR FAWELL:

If somebody does not get to a police station within an hour, he's going to be convicted of a felony. Is that right?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Halvorson.

SENATOR HALVORSON:

I understand your concerns, but that is not right. This just says that you have to report it. You report it and -- and what you report cannot be held against you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Ladies and Gentlemen, let me -- let me have your attention, please. There's debate going on. The two debaters would like to understand what each other is saying. If you're going to talk, talk in a soft tone. Senator Fawell.

SENATOR FAWELL:

I -- I don't believe that's right. I mean, the problem is that once you get -- once you have had a hit-and-run -- you are involved in a hit-and-run accident, you must appear in -- to -- in front of a -- some kind of a police station. Whether it's the sheriff's office or whether it is a -- a policeman -- a police

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station, you've got to appear and you've got to turn yourself in. And what you're saying is that you're going to lessen that to an hour. And people who perhaps didn't realize that they hit a human being, and in my son's case, he thought he had hit a deer, and -- and the fact was, he was going to be charged with a felony if he had not reported it, which would have mandated that he spend a year in jail. It just seems to me we at least ought to let these people have enough time to -- to do the right thing and contact an attorney and -- and find out what is he supposed to do next, if he finally decides that perhaps it was a human being.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further...

SENATOR FAWELL:

I think -- I think we're setting a very dangerous precedent. If there's any attorneys on the Floor, I'd sure like to know what their opinion is.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates she will yield, Senator Jacobs.

SENATOR JACOBS:

Senator, according to our analysis, it says that, if this bill were to pass, a hit-and-run accident that had a -- I don't understand serious injury, but that would have an injury could be held to an offense that would have a greater -- a greater length of conviction than the aggravated DUI itself. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Halvorson.

SENATOR HALVORSON:

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Yes, that is correct.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

We just went through a big debate on -- on DUI and we've got another one that's probably going to be seeing us a little later putting some of those penalties up a little bit. I have a little concern with this also, and I understand what you're trying to do. Don't get me wrong. I think the -- the situation up there was unique, but we're painting it all with one brush, and I do have a concern with that. And I don't like the idea that a hit-and-run driver, for whatever reason, may have a more serious offense than a driver who is convicted of DUI.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. I wonder if I could ask a couple questions of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates she will yield, Senator Klemm.

SENATOR KLEMM:

If you and I were driving along and we had an accident - I'm trying to get this clear about this injury - and -- and you hit me, what would you do? Would you get out and ask if everything is okay? Is that how you perceive this bill to happen?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Halvorson.

SENATOR HALVORSON:

Yes. You would stop, get out, see what happened, if there were any injuries. The problem here is, people drive off. They're scared. They're not sure what to do. And what we're talking about, and we're trying to get to the bottom of this.

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We're -- it's about saving lives. If you hit somebody and they're lying on the side of the road, they could die within a few minutes or an hour if there's other cars coming along the road.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

So if I said to you, "Well, yeah, I think I feel pretty good", you could drive away then. Would that be how you would handle this?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Halvorson.

SENATOR HALVORSON:

Well, I would still report it, and I think it would still have to be reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

You -- so then, you require people to report it if there's no injuries and -- what you just said, because I said there was nobody injured. So you're saying, under legislative intent, you would have to then report it if there are no injuries. So let's go ahead and say that I said I wasn't injured and you drove off and I got out of my car and with the condition my back is, boy, it is really bad. I find out I am injured. You've gone. Now how would you report that? And if I call up and report that you didn't report it, aren't you making a real serious situation for the driver that even in good faith tried to follow what you're doing but is so confused that -- that you've got to report if I'm not injured - what you said, you've got to report if I am injured, and you don't even know if I'm injured or not. Doesn't it sound really confusing? And I know what you're trying to do, and I'm not trying to oppose what your intent is. I just think maybe the

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language is a little bit difficult for anybody to follow. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Further discussion? Senator Halvorson, to close.

SENATOR HALVORSON:

I understand your concerns, and I do want to just tell you that it's true, Senator Klemm, if you are okay and you drive off -- I'm talking about if there's injury to the -- or, damage to the car, you still make that. But as far as the person, the person -- if the person is not injured, no, you go on about your way. And I understand the concerns of this, and -- and I am asking for a favorable vote. We are talking about lives here, and if we can save even three, it would help. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 772 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 32 Ayes, 2 Nays, 15 Members voting Present. Senate Bill 772, having received the required constitutional majority, is declared passed. Senate Bill 773. Senator Halvorson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 773.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President, Members of the Senate. Senate Bill 773 is designed to increase awareness for women about ovarian

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cancer. According to the American Cancer Society, twenty-six thousand seven hundred new cases of ovarian cancer were diagnosed last year. It is the second most common cancer of the female reproductive organs. Part of the reason why we need an education program is that a woman is at increased risk if she has had breast cancer, has had someone in her family with ovarian cancer, or has never had a child. New York State has a successful ovarian cancer information program. This bill has no fiscal impact, and I know of no opposition. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 773 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 55 Ayes, no Nays, no Members voting Present. Senate Bill 773, having received the required constitutional majority, is declared passed. Senate Bill 776. Senator Halvorson. Senate Bill 778. Senator Karpel. Senate Bill 780. Senator O'Malley. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 780.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Members of the Senate. Senate Bill 780 amends the Children and Family Services Act by providing that in placing a child under the Act, the Department of Children and Family Services shall consider the desirability of permanent placement for the child and -- and, further, that there is a

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presumption that the child's best interests are for permanent placement, rather than temporary placement. Further provides that in determining a child's best interest pursuant to a court order for substitute care, the Department shall give due - not sole - consideration of the child's race or ethnic heritage in making a family foster care placement. Further amends the Adoption Act to provide that the court and the child's guardian shall not give race or ethnic heritage priority over other relevant factors. There was an amendment that is part of the bill, Committee Amendment No. 1, which suggests -- which is a suggestion of the Department to track federal language on this topic and strengthen the bill. The amendment basically provides that the Department shall not deny or delay placement of the child on the basis of the race or ethnic heritage of the child or other prospective foster parent or parents. Be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 780 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 54 Ayes, no Nays, 2 Members voting Present. Senate Bill 780, having received the required constitutional majority, is declared passed. Senate Bill 785. Senator Fitzgerald. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 785.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

SENATOR FITZGERALD:

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

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Senate Bill 785 contains a number of proposals recommended by Attorney General Jim Ryan's Office. The general thrust of these ideas is to improve the Attorney General's and the State's ability to collect debts owed to the State. Among other things, the bill allows the Department of Revenue and Department of Employment Security to share address, employment and asset information in their files with other State agencies when they are pursuing debts owed to the State. Also there's a technical change to our Code that would enhance the State's ability to collect sales tax revenues from businesses. The bill authorizes the creation of an administrative lien in favor of the Department of Mental Health. Senator Berman had some questions about that in committee and we came up with language that resolved his concerns on that, and I've shown that language to Senator Berman. And finally, the bill expedites collection of the Illinois estate tax by providing the Attorney General with prompt access to federal estate tax returns in the possession of banks and other financial institutions. And I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 785 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 54 Ayes, no Nays, no Members voting Present. Senate Bill 785, having received the required constitutional majority, is declared passed. Senate Bill 789. Senator Molaro. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 789.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President and Members of the Senate. All this bill does is it requires a defendant to pay complete restitution in as short a period of time as possible. Currently a court order defendant to pay restitution for a period not to exceed five years less any time served for incarceration for failure to pay the restitution as ordered. Many times what happens is when a person gets done with their supervision or gets done with their probation or -- or their time, they haven't paid their restitution. Now we're going to make it a rebuttable presumption, but now the presumption is going to be against the defendant that he hasn't materially changed his financial picture. He would now have to come in and say, "I can't pay it and here's the reason why." If he doesn't do that, a court can now order to extend his probation or his supervision until, in fact, he does pay. We found out from a lot of counties that people are getting -- getting away with not paying their restitution, and this makes it a little easier for the State's attorneys and the court to enforce the restitution part of their sentence.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 789 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 55 Ayes, no Nays, no Members voting Present. Senate Bill 789, having received the required constitutional majority, is declared passed. Senate Bill 791. Senator O'Malley. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 791.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Members of the Senate. Senate Bill 791 amends the Environmental Protection Act by providing rules regarding ex parte communications by members of the Board, employees and hearing officers of the Pollution Control Board. Incidentally, these are pretty much the proposed -- these are the proposed rules that are being suggested by the Pollution Control Board that would take effect on October 3rd, 1997. In a very quick summary, some of the important rules are: No Board member shall communicate ex parte with a person not employed by the Board with respect to the substance of an adjudicatory case or rulemaking proceeding pending before the Board. Information that is received concerning an individual pollution source during a rulemaking proceeding shall not be considered an ex parte contact in the event that a case is currently pending before the Board. An ex parte communication received by a Board member, hearing officer, or employee shall be made part of the record of the pending matter, and the identity of each person for {sic} (from) the whom the ex parte communication was received. Communication regarding matters of procedure and practice are not considered ex parte communications under this legislation. Be happy to answer any questions there might be.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 791 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 56 Ayes, no Nays, no Members voting Present. Senate Bill 791, having received

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the required constitutional majority, is declared passed. I'm sorry. Senator Link, for what purpose do you rise, sir?

SENATOR LINK:

Mr. President. I was off the Floor on vote number -- on Senate Bill 773, and had I been here, I just want the record to indicate I would have voted Yes on that.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Link, the record will note your -- your desire. Senate Bill 799. Senator Donahue. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 799.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. And if I could take a moment of personal privilege just to explain to the Membership. There was an amendment filed on that bill, and that's why the confusion and the President couldn't take it out of the record at the time it was started, so that's why we had to go through with what we did. We probably should have sent it on to the House and corrected it there, but my apologies to the confusion of the Body. Hopefully we won't have the same on this one. This is Senate Bill 799, and it is the conveyance bill for the Department of Transportation, is one amendment. And then the second amendment deals with the conveyances for the Department of Natural Resources. We do have the record of what is being conveyed, but to our knowledge, there's no opposition or no conflict in this, and I would ask for your favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 799 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 54 Ayes, no Nays, no Members voting Present. Senate Bill 799, having received the required constitutional majority, is declared passed. Senate Bill 806. Senator Lauzen. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 806.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Senate Bill 806 amends the Uniform InterState Family Support Act. It makes numerous changes in relation to reconciliation of multiple child support orders, enforcement of orders from other states, responsibilities of employers regarding the orders of other states, an organization of the Act, and other matters. As amended by Committee Amendment No. 1, it amends the Unemployment Insurance Act to provide for the creation of a Directory of New Hires in the Department of Employment Security. Provides that Department of Employment Security will furnish information from this Directory to the United States Department of Health and Human Services to comply with federal regulations contained in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. It requires each employer in Illinois to file new hire information within twenty days of a hire, unless filing electronically, in which case no less than twice a month. This is the administration bill. It came out of the task force work that was headed up by Lieutenant

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Governor Bob Kustra.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 806 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 55 Ayes, no Nays, no Members voting Present. Senate Bill 806, having received the required constitutional majority, is declared passed. Senate Bill 807. Senator Lauzen. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 807.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Senate Bill 807 amends the Public Aid Code to provide that the Department of Public Aid may adopt rules for the certification to other states' child support enforcement agencies of past due support owed under a support order. It provides notice to affected responsible relatives and an opportunity to be heard, and that final decisions of the Department may be reviewed only in accordance with the Administrative Review Law.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 807 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 56 Ayes, no Nays, no Members voting Present. Senate Bill 807, having received

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the required constitutional majority, is declared passed. Top of page 18. Senator Fawell. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 818.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is a bill that was requested by the Department of Transportation. It's really a technical bill. The bill contains several proposals regarding round-trip permits for overweight loads, the annual than rather semi-annual issuance of permits to local governments, and the completion of post-trip vehicle inspection reports by intrastate commercial motor vehicle operators. I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 818 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 56 Ayes, no Nays, no Members voting Present. Senate Bill 818, having received the required constitutional majority, is declared passed. Senate Bill 827. Senator Radogno. Senate Bill 843. Senator Cullerton. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 843:

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

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SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill passed unanimously out of the Judiciary Committee. It amends the Local Government and Governmental Employees Tort Immunity Act, and it basically arises as a result of and response to some court cases where the -- the courts virtually invited us to change the law here. And it may have been done unintentionally, but the purpose of this bill is to allow for an action where there is willful and wanton conduct in failing to supervise an activity on public property. The cases involved a situation of a swimming pool up in Zion, where according to the complaint, there were, I think, eleven lifeguards at a pool, a boy was drowning, none of the lifeguards took action. A pool patron pulled the boy from the pool, but he had drowned, and the judge found that the -- the way the Statute's drafted, there's no opportunity to -- to file a lawsuit when there's willful and wanton behavior. So this corrects that, and I think it's something which we ought to have on the books. I'd be happy to answer any questions and urge an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President. I rise because I represent a municipality. And I may have a potential conflict of interest, and I will abstain from voting.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? If not, the question is, shall Senate Bill 843 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 52 Ayes, no Nays, no Members voting Present. Senate Bill 843, having received the

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required constitutional majority, is declared passed. Senate Bill 844. Senator Cullerton. Senate Bill 855. Senator Donahue. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 855.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Ladies and Gentlemen of the Senate and Mr. President. Senate Bill 855 deals with some various changes within the Department of -- Commerce and Community Affairs. There are four sections to it and let me briefly just quickly go through it. The amendment -- or the first Section deals with the first stop. Originally we had decided that we were going to have a one-stop shop and -- and we're saying now that we can do this with a 1-800 number. It's worked much better than trying to have a physical plant out there, so that's what the first Section does; it allows for the 1-800 number. We're repealing an area with the Corridors of Opportunity in the {sic} (and) Development Act. We used to have these corridors. We used to fund them; we don't anymore. Some of our corridors are locally funded through their own funding, so we're trying to get this off the books. It doesn't preclude the Department, though, from funding corridors, if at some time in the future we want to do that. Third Section deals with the powers and duties of the Illinois Coal Development Board. They're now required to make two reports to the General Assembly. They make a report in April. It's kind of too early to tell, so we're asking that they only have to make one report, which would be due in October. The final one deals with the public infrastructure loan and grant program, and it allows that

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the appropriation can be used -- seventy-five thousand dollars of it can be used for administrative costs. And that's what the bill does, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the -- the question is, shall Senate Bill 855 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 56 Ayes, no Nays, no Members voting Present. Senate Bill 855, having received the required constitutional majority, is declared passed. All right. Ladies and Gentlemen, let's be at ease for a few moments. The Rules Committee will -- is going to meet.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR MAITLAND)

Senate will come to order. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Committee on Agriculture and Conservation - Senate Amendments 1, 2 and 3 to Senate Bill 305, Senate Amendment 1 to Senate Bill 306, and Senate Amendment 2 to Senate Bill 908; to the Committee on Commerce and Industry - Senate Amendment 3 to Senate Bill 753; to the Committee on Education - Senate Amendment 1 to Senate Bill 557; to the Committee on Environment and Energy - Amendments 1 and 2 to Senate Bill 140 and Amendment 1 to Senate Bill 934; referred

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to the Committee on Executive - Senate Joint Resolutions 22 and 23; referred to the Committee on Insurance and Pensions - Senate Amendment 2 to Senate Bill 194, Amendment 1 to Senate Bill 196, Amendment -- or Amendments 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 to Senate Bill 665, and Amendment 2 to Senate Bill 801; to the Committee on Judiciary - House Bills 70, 106, Senate Amendment 2 to Senate Bill 5, Senate Amendment 1 to Senate Bill 7, Amendment 2 to Senate Bill 13, Amendment 1 to Senate Bill 230, Amendment 1 to Senate Bill 895; also referred to the Judiciary Committee - Senate Amendment 1 to Senate Bill 460 and Amendment 2 to Senate Bill 686; to the Committee on Licensed Activities - House Bills 138, 274, Senate Amendment 1 to Senate Bill 610 and Amendment 1 to Senate Bill 902; to the Committee on Local Government and Elections - Senate Amendment 2 to Senate Bill 21, Amendment 2 to Senate Bill 129, Amendment 1 to Senate Bill 307, Amendment 2 to Senate Bill 373, Amendment 2 to Senate Bill 509, and Amendment 2 to Senate Bill 1120; to the Committee on Public Health and Welfare - House Bills 131, 202, 204, Senate Amendment 2 to Senate Bill 351; to the Committee on Revenue - Amendment 2 to Senate Bill 81 and Amendment 2 to Senate Bill 645; to the Committee on State Government Operations - Amendment 1 to Senate Bill 682 {sic} (862); to the Committee on Transportation - House Bills 133, 380, 844, Senate Amendment 1 to Senate Bill 927; and Be Approved for Consideration - Amendment 1 to Senate Bill 9, Amendment 2 to Senate Bill 123, Amendment 1 to Senate Bill 141, Amendment 2 to Senate Bill 549, Amendment 2 to Senate Bill 574, Amendment 3 to Senate Bill 677, Amendment 2 to Senate Bill 776, Amendment 2 to Senate Bill 827, Amendment 1 to Senate Bill 1041.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right, Ladies and Gentlemen, middle of page 18. Senate Bills 3rd Reading. Senate Bill 858. Senator Burzynski. Read the bill, Mr. Secretary.

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SECRETARY HARRY:

Senate Bill 858.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. This is an administration bill for the Department. There's no known opposition. All the changes made are agreed to by DPR and the Podiatric Association.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 858 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 51 Ayes, no Nays, no Members voting Present. Senate Bill 858, having received the required constitutional majority, is declared passed. Senate Bill 859. Senator Burzynski. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 859.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Again, this is an administration bill. It allows workers from licensed home care programs from hospitals, nursing homes and related programs to go the house if people who are unable to get out or take care of themselves and provide certain personal care or health care acts. Be more than happy to answer any questions.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 859 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 55 Ayes, no Nays, no Members voting Present. Senate Bill 859, having received the required constitutional majority, is declared passed. Senate Bill 862. Senator Fitzgerald. Senate Bill 878. Senator Watson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 878.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. We're attempting to establish a prepaid tuition program, which I think most of us would agree would be very beneficial to the young people and parents of this State. The purpose of the program is to establish a mechanism by which tuition could be paid for at today's prices and would -- of course, once the beneficiary or the student goes to school, then the tuition would be paid for by -- out of the plan. It would allow any purchaser, anyone who wants to purchase a prepaid tuition can do so for the benefactory {sic}. The beneficiary is also someone who would be primarily an Illinois student and an Illinois resident, and that's spelled out in the legislation. There is a mechanism by which refunds could be granted, and that's spelled out. There's various types of plans that could be utilized for public university and a community college...

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Watson, excuse me. Ladies and Gentlemen, this is a very, very important bill. Please give Senator Watson your attention, please. Senator Watson.

SENATOR WATSON:

Well, thank you, Mr. President. As I saying, there are two different types of plans: one which would be a public university plan and then one for community colleges. And the legislation spells out how each -- each credit would be purchased. The price of the plan would be established annually by the Illinois State Assistance -- Student Assistance Commission, and they would also allow for private universities and out-of-state purchases to take place also. There's considerable restrictions on the use of the contract. There's a State guarantee that the full faith and credit of the payment of tuition and fees will be borne by the State if, in fact, the -- the fund does not create the necessary dollars to do so. And the administration of the program would be done by the Illinois Student Assistance Commission, in conjunction with -- what is called the Prepaid Tuition Review Board. And this Board will consist of three members, all appointed by the Governor, with the advice and consent of the Senate, and the members must, obviously, have expertise in accounting, actuarial practice, risk management, or investment management. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. I rise in support of this legislation. I had a similar bill and decided to not advance it, knowing that Senator Watson had this piece of legislation. It's really -- as even the Chair indicated, is a very significant bill because it will allow for one of the major problems that people have with their -- worried about how to pay

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for college. This will allow them to have kind of a forced savings, to lock in a rate of tuition in the future, and there is a similar type of a bill coming over from the House. It has a somewhat different administration, but has the same general principle. I would point out that, Senator, I don't think we -- Senator Watson, I don't think we amended this to take out the deductibility portion, and that's something which we'll probably have to work out because the federal government allows for these payments to be deductible. It -- it's also in this bill that it would be deductible for the State, and I think Revenue does have a problem with that. And I would say that it would still be a good bill even if we took that out. And it's -- it's, however, something which I think that, when we write the story for this Session, people are going to look upon this bill as being one of the most significant ones, because this is what the -- the middle-class tax relief type of bill is all about because it gives someone the reassurance of knowing they can send their children to school in Illinois and -- and have a way in which they can afford to pay for it. So, I urge an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Klemm.

SENATOR KLEMM:

Would the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Klemm.

SENATOR KLEMM:

I guess, if I understand this correctly, you would find out what the tuition would be from a university, pay that, and if you're short that amount of money when the student gets there, somebody has to make up the difference?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

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SENATOR WATSON:

Well, we're anticipating that the revenue growth for this particular investment would be hopefully somewhere around eight and a half percent. Under what we've noticed in the last obvious several years, the market has really done quite well, and we would assume that the return would be even greater. Tuition rises as an average of around three to four percent a year, so this would obviously keep up with inflation, and obviously the Board -- there is a certain amount of risk, but the Board, being expertise as they are, hopefully will be very prudent in their investment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

A couple questions. Would this be just for Illinois State universities?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

This -- this can be utilized for out-of-state tuition, private schools and public universities. The investment, or the amount of money available to the beneficiary, which would be the student, would be based on a pro rata basis established by either the cost -- average cost of attending an Illinois public university, public education, or a community college, based on which plan you may buy.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

So if there's not enough funds in that account, the -- the Illinois taxpayer somehow through their monies pick up the difference and pay the difference to that university?

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Watson.

SENATOR WATSON:

Well, the only problem would be if the fund -- if the return on the fund was not at the adequate level to maintain the tuition at a point -- time in -- in the -- in the future. The individual would purchase the tuition credit at today's tuition. The idea being that over the period of time of the contract - and you can purchase a contract for five years or for ten years, based on when the need would be there for the student - you would hope that obviously that increase in the -- in the investment would be greater than the influence -- increase in the -- in the tuition. And if anything -- any indication of what we've seen by other investment - pensions and whatever they may be - we have seen an average of eight-and-a-half-percent increase over a considerable length of time in those -- those funds, where the tuition, as I said, was an average of about four-percent increase.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

END OF TAPE

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SENATOR KLEMM:

Just a last question, I guess. And I -- I have only some concerns in that we can go out to Harvard University. We could start now in making our deposits or our payments. If I decide to change I get all my money back, plus the accrued interest, but if it isn't enough, Illinois taxpayers will have to pick up the tab somehow. And it sounds like someplace it certainly is a win-win

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situation from the way it's described to me, but I don't know if it seems very fair for the taxpayers. If it's -- if it's only that it's going to cost us -- the only -- all we can do is pay the difference, because the -- the person who puts the money in there, if it's more than enough, it sounds like we get it back. I mean, it sounds like it's something everybody should sign up for, 'cause they're going to be winners, and I don't know if the taxpayers can afford it. That's all.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Well, I guess I'm not making myself clear. First of all, if you go to Harvard and pay twenty thousand dollars a year in tuition - I don't even know -- have any idea what it is; it's probably considerably more than that - there's no way that we are going to pick up the difference. The only amount that's going to be made available to that beneficiary or the student is going to be how much it was invested at one point in time, and when the -- if that student then decides to go to Harvard or to Purdue or to University of Pennsylvania, or wherever, then the individual -- amount of money that would be made available to that individual is only going to be prorated on the -- on the basis of what the -- of -- the investment was. I -- we're not giving them any more money, necessarily, to go out of State to school. We're not giving them any more money, necessarily, to go to a private university. We're giving them the same dollar that they would have gotten had they gone to a public university in the State of Illinois. Nothing more.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Bowles.

SENATOR BOWLES:

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

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question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Bowles.

SENATOR BOWLES:

Senator Watson, let's say that they -- someone enters into this program and makes these payments. What if, in the future -- now they're getting tax-exempt -- they're getting a tax exemption, as I understand. What if, in the future, they decide that they are not going to use this money for the purpose initially intended? What happens with the IRS and the tax exemption status that this money had?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Well, they would lose their tax exemption, for one thing. That would -- that would fall back to them on the tax -- taxable income based on the amount of interest earned, and if they're to get a refund out of the -- out of the pre-tuition credit, would be two percent they would get. They would get two percent. So they would forfeit everything else that had been earned during that period of time that the investment was -- was in place.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Bowles.

SENATOR BOWLES:

Thank you. In other words, they're -- they're -- I'm not quite clear on: If they would get a refund, would it be at the rate of the IRS tax rate at that time, or how would -- how would that work?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

If an individual or a -- or a -- someone who's paying into --

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into the scholarship fund, or the pre-tuition fund, they would -- they would pay the -- obviously the -- the benefit of the federal law would not be impacted. They therefore, then, would pay the regular tax rate and the obligation of that interest that's been accrued since that point in time.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you. Question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you. Senator Watson, would this require ISAC to -- to get a banking license or a savings institution license of any kind?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

It -- to my understanding, no. I'm not sure why they would be -- they would have to.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, aren't we -- aren't we turning ISAC into kind of a savings bank by encouraging people to save their tuition dollars with -- with ISAC in this? And -- and does the sponsor feel there's a significant access problem to Illinois universities by students today?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Well, there's not an access problem, I guess, if you've got

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the grades and the ACT score to get in, but there's certainly a problem of people being able to afford to send their students to college. And we've seen over the last twenty years the amount of debt increase from seventeen percent twenty years ago to fifty percent now, and that's being borne on the back of students who, obviously, graduate and hopefully will be able to pay that debt off. But we're trying to, I think, be a positive impact on -- on middle-class families now, who are struggling to try to save money for students to go to college, and this gives them a mechanism by which to create that quality education for their student.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Is -- is the sponsor aware that we have the second-largest MAP program in the United States, and the largest MAP program per pupil in the country? In other words, we put more money into a monetary award program both for student loans and for student grants. The -- like I say, we have the second-largest fund in the country and the largest per pupil in the nation. The only state larger is New York.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Well, God bless us. I -- I think it's a great thing. I mean, I -- what's the problem with that? I -- I think that we ought to do everything we can to -- to facilitate those people who can't afford an education and those kids who actually qualify for a monetary award to -- to get it. And -- and the more the better.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you. Just to close. I want you to know I agree with

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your -- some of your intent. I think it's -- it's a good idea to -- to make sure we have access to higher education in the State of Illinois. My concerns are a couple of things, and I just would raise them to the Body for their consideration. I don't believe this is a middle-class plan when it calls for lump sum prepayment of tuition. I mean, that's -- that's hardly -- I mean, it also permits a five-year annuity, which means paying that tuition just a few years before they go to school. I don't think that creates a real access issue. The other thing is, please be aware, this -- this also permits an exemption from MAP qualifications for the amount that's sold. So, in other words, you could have a fully prepaid tuition account and it wouldn't affect MAP eligibility. So I mean -- so, in other words you could, on top of having prepaid your tuition being in a guaranteed State plan, receive the full MAP award on top of it. I guess my concern is that what this really tends to do is drive tuitions higher. When -- when you continue to infuse aid and funding into this and then insert our Scholarship Commission, essentially, as a Christmas club for tuitions, you know, while I think it's important, I think we ought to have the universities pay attention to the cost of their -- their higher education. Not -- we shouldn't be setting up promises for another group of people in the State of Illinois. Haven't we learned our lesson from other programs where we guaranteed perpetuity? But, I mean, I certainly welcome the sponsor's good intentions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Jacobs.

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SENATOR JACOBS:

Senator, what is the difference between this program and the program that was presented a few years ago by then Senator -- I mean, then Treasurer Pat Quinn?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Well, I wasn't necessarily a great follower of the Treasurer at the time, and I'm not sure what his program might have been, but I -- I really don't know. I have no idea.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Senator Jacobs.

SENATOR JACOBS:

Senator, I -- I think that everybody on this side of the Rotunda -- I mean, on this side of the aisle, if they truly believed in it then should support your idea now.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I think it's important to recognize that this plan is, I think, as Senator Watson has said, I think it's a -- it's a wonderful attraction for middle-class families. You've got a onetime lump sum opportunity to make a payment. Very few people can really do that, but you've got - and correct me if I'm wrong, Senator Watson - you've got a five-year plan and a ten-year plan under this. And what that does is guarantee that your children or your grandchildren X years down the road have financial entry to the university. I don't see any downside to this. Yes, it may cost the taxpayers something five, ten, twenty years down the road because you've given them this encouragement to buy these plans. But again, Ladies and Gentlemen, that's the best investment you

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can make, because you're encouraging, and strongly encouraging through a financial incentive, your children or grandchildren to go to a university, to go to college. Now that -- that's a great program. To show you how great it is, in this month's - March 1997 - Money Magazine, there's an article about these plans, and it points out that thirteen other states have this kind of legislation on their books to encourage their citizens, to encourage their children and grandchildren to go to colleges. I'm very happy to stand up in support of this program. And by the way, I may have a conflict. My grandchildren have already called me.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. I think it's a great plan, too. I did approximately ten years ago, both when the House -- House and Senate was controlled by Democrats and no one could see the wisdom in this kind of plan. It was predicted then that the cost of educating in a four-year college would cost approximately, by the year 2000, a hundred thousand dollars. Sure, this is an opportunity for middle-class people, and -- and upper lower-income people to save and invest and ensure that children will be able to go to school, to college, that would not be able to go had it not been for this opportunity to save. If the trust fund is entrusted in the hands of those persons who are good investors, this -- this plan should not cost the State any money, because the -- if they invest well and protect the money, they will make enough money to hopefully keep up with the inflationary costs of a tuition by the time the ten years are up, or the five years are up. And -- and based on how the plan is drafted, if it's a five-year plan, of course, you -- you invest more into it. You have to pay more. If it's a

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ten-year plan, the payments are stretched out longer, and therefore they are less. If they are invested properly, this is a great idea. There are -- many states have it. There -- there were several states at the time, when I introduced this same bill, had already enacted this plan. We had some definitive data saying that it was good, it was the right way to go. We are behind time, and let's pass the bill and send it over to the House.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, Senator Rauschenberger peaked my interest, and I support your bill, on the MAP guarantee. Can you explain how that would work? If -- if someone right now has saved money for college, they're usually going to be denied MAP awards because that will be treated as an asset. You're saying if you save in this way, that that would not be counted as an asset and you could still qualify for MAP, or would you automatically qualify for MAP, or how would that work?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Yes. Thank you. There's -- no contribution towards a prepaid tuition plan may be used in evaluating the financial situation of the beneficiary. So, in other words, this would not be a determination -- a determining factor of whether someone is eligible for financial aid.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Hawkinson.

SENATOR HAWKINSON:

And someone who has saved over the years and has money available would have an option to get into this plan so that they -- let's say someone put into this plan - I'll just pick a figure out of the air - twenty thousand dollars, and before they've done that, they have saved up twenty thousand dollars. Your bill allows that person, prior to the college experience, to -- to buy in at a single time so they would fall within your plan as -- in other words, change their investment from whatever they have it in now into your plan, and then once they've transferred into your plan, that would not be counted as an asset in the MAP determination.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

That is true.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further -- Senator Hawkinson.

SENATOR HAWKINSON:

And finally, there was mention of the College Savings Bond Program that is currently in existence in Illinois now. Is there any provision -- since your plan sounds to be a much improved version of -- of that that we passed a number of years ago, is there any provision in your bill relating to how people could transfer from that plan or the assets they hold under the current Illinois College Saving Bond Program into your plan?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

It's not mentioned directly, but I would assume somebody could cash that -- that in and then reinvest into this particular

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approach.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further -- Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Fawell.

SENATOR FAWELL:

Several years ago when the Treasurer of the State suggested this bill, there was a concern that what we were doing was actually pyramid building, that those who originally bought into this plan would, in effect, be paid for by people as they proceeded through this plan. Are you actually talking about taking these funds and putting them in some kind of a trust fund and -- 'cause I just looked at the bill and I didn't see that. I mean, the language of the bill. Are you actually going to take these funds, put them in a trust -- some kind or another trust fund and -- and actually collect interest? Is that the idea?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

There is a fund that's established in the Treasurer's Office for this. And then the -- what's called the Prepaid Tuition Review Board, then, would oversee the fund, and they are made up of -- that Board would be made up of three members appointed by the Governor, and they would have to have expertise in accounting, investing and, obviously, they would follow the thinking along the line of increasing a percentage of the return.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fawell.

SENATOR FAWELL:

So no one else will be able to touch these funds if they're

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short the following year? My concern is that all of a sudden we're going to find, like the Social Security plan, in effect, the -- the guys at the bottom are going to have to be paying for the guys at the top.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

There is a delay of three years. So that will allow the plan to build up and the fund to build up, and hopefully avert the concern that you may have.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Watson, to close.

SENATOR WATSON:

Well, thank you, Mr. President. Appreciate the debate and interest in the legislation. I -- amazed at some of the comments about trying to help people in the middle class, and those people who, in many cases, don't qualify for a plan. And we've all heard that. We have people parade through our office saying that, "well, you help the -- the poor, and the -- the wealthy can pay for it, and we're in the middle, and we have no benefit." And this is something that I think would be of major benefit to those people in the middle, the middle class. And I appreciate the support of the -- of the Body, and hopefully we'll put a lot of green lights.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 878 pass. Those in favor, 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 52 Ayes, 2 Nays, 3 Members voting Present. Senate Bill 878, having received the required constitutional majority, is declared passed. Senator Bomke, for what purpose do you arise, sir?

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SENATOR BOMKE:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point.

SENATOR BOMKE:

We have with us today, and appropriately so, a band from Ireland called the "Real Time". They're from Galway, Ireland, and they're in the gallery, and please help me recognize them.

PRESIDING OFFICER: (SENATOR MAITLAND)

Would our guests in the gallery please rise? Welcome, by the Senate. Welcome to Springfield. Welcome. Senate Bill 897. Senator Madigan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 897.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the Senate. Senate Bill 897, as amended, makes two changes in the real estate license disciplinary Section of the Statutes regarding escrow funds. This -- the first change is at the request of the Office of Banks and Real Estate, which allows the written direction to the broker to disburse escrow funds agreed to by the principals to the transaction to be inserted up front or at the beginning in the contract at the beginning of the transaction. And the second change adds new language that states that it is a violation of the Act to require a party to a transaction to allow the licensee to retain a portion of escrow monies for payment of the licensee's commission or expenses as a condition for release of the escrow

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monies to that party. I know of no opposition to Senate Bill 897, as amended. Would be glad to answer any questions and would otherwise ask for its favorable consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 897 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 56 Ayes, no Nays, 1 Member voting Present. Senate Bill 897, having received the required constitutional majority, is declared passed. Senate Bill 901. Senator Burzynski. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 901.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. This legislation adds therapeutically certified optometrists to the list of those who can order lab tests. It does have an amendment that clarifies what that is. So...

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 901 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 56 Ayes, no Nays, no Members voting Present. Senate Bill 901, having received the required constitutional majority, is declared passed. Senate Bill 908. Senator Luechtefeld. Read the bill, Mr. Secretary.

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I'm sorry. Senate Bill 909. Senator Luechtefeld. Read the bill, Mr. Secretary. Senate Bill 909.

SECRETARY HARRY:

Senate Bill 909.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President and Members of the Senate. Senate Bill 909 simply amends the Senior Citizens and -- and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act to make a technical change. This amendment will increase the household limit -- income limit from fourteen thousand to sixteen thousand dollars. This has not changed since 1985. I think this has been a -- a very successful program, basically called Circuit Breaker, and this would -- this would raise some two thousand dollars and allow people -- some people, at least, who have dropped off of those rolls over the last few years to, once again, be part of this program. I would entertain any questions that someone might have.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President Ladies, Gentlemen of the Senate. As a cosponsor of this legislation, who had originally introduced like legislation and with the sponsor's acquiescence merged what had been Senate Bill 503 into this, I -- I wholeheartedly concur. When we created this Act, fourteen thousand dollars seemed like a logical amount. It has been a dozen years since then. Inflation would have taken that up to probably twice that amount. So this is just a modest increase to allow people to be eligible,

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particularly for the pharmaceutical aspects of this program, and I would urge support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Molaro.

SENATOR MOLARO:

Yes. Thank you, Mr. President. I -- I would just like to know -- my chance to ask this. Why do they call it a "Circuit Breaker"? Where did that come from?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, I really don't know.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Further discussion? Further discussion? If not, the question is, shall Senate Bill 909 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 57 Ayes, no Nays, no Members voting Present. Senate Bill 909, having received the required constitutional majority, is declared passed. Top of page 19. Senate Bill 910. Senator Luechtefeld. Senate Bill 918. Senator O'Malley. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 918.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Members of the Senate. Senate Bill 918, as amended, grew out of an incident in which a coach was giving weight-loss drugs to his players in a youth sports program.

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Senate Resolution 152 from 1996 established a task force to look into problems in sports programs and report back and make recommendations. To some extent, this legislation adopts their recommendations and -- and their recommendations may need further work. Basically, though, what the -- what the bill does is require the -- the Governor's Physical Fitness and Sports Council to establish a Model Coaches' Safety Orientation and Training Skills Program curriculum. This comprehensive program will cover all aspects of coaching and the curriculum will be offered to any interested party for a minimal fee. I believe what will happen with this legislation as it advances, should it advance, is there may be further refinements of this concept and -- and the recommendations from the task force as the legislation proceeds through the House. I'd -- happy to answer any questions you may have and would certainly request your -- your support for this legislation.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, your last comment about further refinements are what bring me to my feet. We amended out any mandates on this bill. I'll just ask you straight-out. Is it your intention to add any mandates on youth coaches back into this bill as the bill progresses, or not?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

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It is -- it is certainly not my intention at all. What I am suggesting, Senator Hawkinson, as -- as it's in the House, this task force is continuing to do its work. I think they've clearly gotten the message from the committee work that was done that they need to relook at -- relook this. We were waiting for the possibility of recommendations coming this week. They have not been forthcoming. So if there's something that happens in the House, it would certainly be considered there and then come back to us for our consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hawkinson.

SENATOR HAWKINSON:

But that wouldn't include any mandates on -- on youth coaches or Little League coaches?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

It is certainly not my intention that it would be.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? If not, the question is, shall Senate Bill 918 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 56 Ayes, 1 Nay, no Members voting Present. Senate Bill 918, having received the required constitutional majority, is declared passed. Senate Bill 920. Senator O'Malley. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 920.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Members of the Senate. Senate Bill 920 adds a cross-reference to the Counties Code and Municipal Code. It provides that the -- that requirements concerning bonding in relation to maps, plats, and subdivisions are subject to the provisions that state that a county or municipality may not require a cash bond if an irrevocable letter of credit is filed and that -- and that set out the duties of the county or municipality concerning cash bonds. I'd be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 920 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 56 Ayes, no Nays, 1 Member voting Present. Senate Bill 920, having received the required constitutional majority, is declared passed. Senator Klemm, for what purpose do arise, sir?

SENATOR KLEMM:

I wanted to speak on the bill. That's all.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senate Bill 921. Senator Shadid. Senate Bill 927. Senator Rauschenberger. Senate Bill 929. Senator Rauschenberger. Senate Bill 930. Senate Bill 936. Senator Dudycz. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 936.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Senate Bill 936 amends the Section of the Vehicle Code which prohibits a person from operating a commercial motor vehicle which is equipped with a radar-jamming device. This legislation extends the prohibition to all motor vehicles, providing that the prohibition applies to all devices designed to jam the speed-measurement devices, rather than just radar-jamming devices. You have, on your desks, that was distributed, an advertisement -- an advertisement for sale of -- of a device called "Laser Zapper". Now, this item is already against the law in Minnesota, Oklahoma or Washington, D.C. The advertisement claims that the device is capable of -- capable of putting up a wall of light that makes law enforcement's guns go blank -- the laser guns go blank. Excuse me. And these devices -- rather than just banning devices on police radar, this legislation bans any jamming device used to jam or interfere any speed-measuring device operated by a police officer. And I would hope that I see some support on this.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Carroll.

SENATOR CARROLL:

Yeah. Question of the sponsor, if he would yield.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Carroll.

SENATOR CARROLL:

Senator Dudycz, we found these on our desks and wondering if you were taking orders for them.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

No.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. Chairman, Ladies and Gentlemen of the Senate. To the bill: You know, this appears to be a tremendous anticonsumer bill. If you look at the handout that we have received, the manufactured retail price is three forty-nine ninety-nine. Then it was marked down to one seventy-nine ninety-nine, because they're buying them up like hotcakes, and now they're down to a hundred and forty-nine ninety-nine. I would suppose that next week they're going to be ninety-nine ninety-nine. So I don't know if this is a good bill or not, but it appears that we're going against the best wishes of the consumer if we vote for this piece of legislation.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR DUDYCH:

Well, just to answer Senator Jacobs. This -- this article, or this item that is being sold, the company that sells it cannot sell it in its own state, in Minnesota. It's -- Minnesota, Oklahoma and District of Columbia have the right idea. I think that we ought to give law enforcement the tools they need to enforce the laws that they are sworn to uphold, and I would seek your affirmative support.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 936 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, no voting No, no voting Present. Senate Bill 936, having received the required constitutional majority, is declared passed. Senate

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Bill 937. Senator Peterson. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 937.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President and Members of the Senate. Under current law, a property taxpayer may claim a general homestead exemption in an amount equal to the increase since 1977 in the assessed value of a residential parcel. The maximum in downstate counties is thirty-five hundred; in Cook County, it's forty-five hundred. Currently there's no uniform method among counties as to the application of this exemption. Some require applications, some don't. Some calculate the increase since 1977. Some just give the full deduction immediately upon application. This bill would make the general homestead exemption a flat amount - either thirty-five hundred or forty-five hundred - to be given when the person qualifies.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 937 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. Senate Bill 937, having received the required constitutional majority, is declared passed. Senate Bill 942. Senator Dillard. Out of the record. Senate Bill 949. Senator Rauschenberger. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 949.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 949 authorize the -- authorizes the ICC to promulgate rules applicable to competitive telecommunication rates and services. In addition, it changes the sunset date on the Act from 7/1/97 to 7/1/99. This is a ICC Commission bill. It extends for two years their right to regulate access charges like those charged at hotels, motels and pay phones from that controversy we had several years ago where they were charging two and four and five dollars to access long distance calls, or even to access credit cards. It's a technical bill. I'd appreciate your favorable support.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 949 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, no voting No, no voting Present. Senate Bill 949, having received the required constitutional majority, is declared passed. Senate Bill 951. Senator Parker. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 951.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. Over twenty-five years ago was when the first handicap spaces were put in, as far as being part of parking lots for restaurants, et cetera. What has happened is, with the ADA, now the people can get around, the disabled, and go to shopping centers and restaurants, because things are accessible. So many of these spaces are taken. What's occurring is individuals are abusing and misusing disabled persons' parking privileges, and that is increasing. Senate Bill 951 enhances the protections for those who legally possess persons with disabilities license plates and placards and cracks down on those who abuse parking for the disabled through changes in the Illinois Vehicle Code and administrative changes. Senator Carroll is also on the bill with me, and he had a bill that was similar that incorporated a lot of changes, and these changes are included in Senate Bill 951. I ask for a favorable vote and will answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Are there any questions? Any discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield, Senator Welch.

SENATOR WELCH:

This says that the law will require persons to show an ID card, if requested by a law enforcement officer, to verify that they are authorized holder of a disabled parking placard. So, the senior citizens are now going to be -- not senior citizens, but disabled citizens are going to be subject to a new type of offense. Police can basically stop them and ask them for their proof that they're disabled when they're at our shopping malls, when they pull up and park in a -- in a disabled spot? The -- the local -- I imagine the local security guard, the guy that they

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hire for eight bucks an hour, can now start enforcing this, is the main idea here. And he can stop any senior citizen who parks in one of these disabled spots and ask him to show an ID, but he can't ask anybody else. Anybody who is not disabled doesn't have to show anything, but if you're disabled, you can be stopped and required to show identification. Is that -- that is what this law says, isn't it?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

The intent of this bill is to verify that a person parking in the parking place is the person who is disabled and belongs to that motor vehicle, so that if they, you know, are parking there and they are able-bodied, and they are just using this car and they really are not the person who has applied and has the application, then they are subject to a fine.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

Well, what if -- what if I drive to the mall and I have a disabled person in my car and they get out and -- to walk in the mall during the winter, and I'm sitting in my car? I'm subject to being stopped by the -- by the toy cop at the mall and asked for my identification. Oh, well, that's what you call 'em. Don't give me that.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

Senator, certainly somebody would understand that you have dropped off the disabled person and they are at the shopping mall. The purpose of this bill is to get to those people who are very able-bodied, who park in these parking places, take them up from

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the disabled, and then go in and shop and then come back. And these -- this will be very effective.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Welch, more about toy cops.

SENATOR WELCH:

Well, in her area, they don't have those. They pay better, apparently. But let me just say that, you know, this is subject to -- I know it -- it sounds like a great idea, but some of these guys that these malls hire are -- are -- are so thrilled with having a badge, and some authority that their whole life consists of chasing teenagers, and now they've got an extra job to do. And I think that they're going to get carried away. So I think that letting private individuals enforce this may not be a good idea, or the local -- local vigilante cop at the mall.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As Senator Parker said, I had also introduced legislation this year that we have merged into this. I had been the original sponsor of the handicap parking legislation. And as we did it, we found more and more abuses of it, and therefore had to keep tightening it up. I think Senator Welch made a mistake, however. If you read the Act as promulgated here, it says, "a law enforcement officer". So toy cops are -- are toy law enforcement officers, not full-fledged ones. So it's only the full-fledged ones who'd be able to give it. And if you had heard the testimony in committee, they were talking about, at one point, the idea of maybe putting photo ID or something on these permits. The fear of the disabled was that they might then be prey to muggers and so on who would go down the street and see a picture and then maybe find them somewhere else. The point of it is that they have to

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register now, and then the actual police would have the ability to go check on the computer and see who it is registered to. It is lawful for you to be driving someone and parking there if you are assisting them, and that is one of the things they can find out. What they're looking for by doing that, most often, are fraudulent ones, ones that have either been forged or stolen or sold, and that the license plate bears no relationship to the person to whom it was granted. So I think that's been covered, and I would urge support.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

First of all, in order to have a disabled card, we have to get, of course, a doctor statement, also, and get the card from the Secretary of State. And some of us have a disability. What I want to know is, as long as we have the disabled card, which has our number on it, hanging in our car, do we have to carry some other card to prove that we have a disability, or is that good enough? All they have to do is check the number on the hanging placard in our car.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

No, Senator. You only have to have that placard. You don't have to have any additional information.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Link.

SENATOR LINK:

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Yes. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield, Senator Link.

SENATOR LINK:

I'm standing up here in strong support of this, Senator Parker, as we have discussed this matter numerous amount of times. I stand in front of you as someone whose spouse is a disabled person who needs that handicap parking spot. And we have found numerous violations in our area, and I would stand in strong support to make sure this happens. And I think if we could stiffen the penalties even more, I think it's time we do it, and I think it's long -- long overdue, and I commend you on this.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, I -- I, too, rise in support of your bill, but having heard the debate in committee and then heard some of the questions now, there are two issues that I think that are -- have confused the Body. The first, you indicated, I believe to Senator Geo-Karis, that there'd have to be no additional ID. As I understood the explanation from Secretary Ryan, there would be a number on the placard which would correspond to another ID, so that it would be capable of verification. Is that not correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

I misunderstood. That is correct. You have the -- that number on the placard.

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PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson.

SENATOR HAWKINSON:

And secondly, as to the issue of who can enforce this, you have another excellent piece of legislation that will allow for certification of volunteers to be able to enforce this ordinance. Have you meshed these two so that your current bill would allow for those certified volunteers to do the same things, or not?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

No. That is a separate bill. This is for law enforcement officers, and the other, as far as the first, as Senator Welch was talking about, is on another bill. That's Senate Bill 225.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson.

SENATOR HAWKINSON:

Will that legislation, however, assuming it is passed later in the week or later in the Session, will that legislation hook into this legislation so that those volunteers will enforce these provisions as well as the other provisions of the Act, or not?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

These provisions here probably go a little bit beyond what the volunteers would be doing, but they also would be, you know, ticketing or they would -- 225 is a separate issue, but these -- these issues in here go beyond what the volunteers would be doing.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Burzynski. Senator Burzynski. Turn -- turn his -- gentleman's light out, please. Further discussion? Senator del Valle.

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SENATOR DEL VALLE:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield.

SENATOR DEL VALLE:

Senator, this bill also removes not-for-profit organizations from use of disabled decals or devices. Does the current law allow for not-for-profits to obtain the -- the permits, and if so, then what will we do in a case where you have a not-for-profit utilizing an agency vehicle to transport disabled individuals to shopping centers or grocery stores, et cetera, as a service that's provided by the not-for-profit? Why are we removing them from the current law?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

Can you repeat your question, please?

PRESIDING OFFICER: (SENATOR WATSON)

Senator del Valle.

SENATOR DEL VALLE:

My analysis indicates that this bill removes not-for-profit organizations from the use of decals. So what I understand this to mean is that they can -- currently they can obtain these from the Secretary of State, but your bill would say that they couldn't. Some not-for-profits transport disabled individuals on shopping trips, et cetera. Does this bill, then, not allow them to obtain the permits necessary so that they can park in a handicap spot?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

I'm sorry. I can't answer your question. I -- that is not

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part of my analysis.

PRESIDING OFFICER: (SENATOR WATSON)

Senator del Valle.

SENATOR DEL VALLE:

I -- I'm in support of the bill, but, Senator Parker, could we look at this issue, and if it's correct, can we look at it in the House, maybe?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

I would be happy to do that. That is not a part of my analysis. So your question is something that I have not addressed. I don't think that that is -- that that has any effect on -- that this bill has any effect on that. Certainly we would want people to be transporting people with disabilities. So I don't know if that's correct or not, but certainly we will answer that question over in the House.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. Secretary of State actually asked that this bill be -- be placed on the Floor, just because of the fact that so many people have violated what the intent of those disability plates and -- and parking decals were. This bill passed out of the Education -- I'm sorry, out of the Transportation Committee with absolutely no dissenting votes. I think a lot of us feel this is long overdue because of the -- the fact that -- that people have been taking advantage of these -- both the plates and the decals. I think it's a good bill, and I would suggest we all vote Aye.

PRESIDING OFFICER: (SENATOR WATSON)

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

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SENATOR PARKER:

Thank you, Mr. President. This is an excellent bill for the people with disabilities. It is supported by the Coalition for People With Disabilities and is very important to them. The other bill I have coming up, 225, which will be up this coming week, which also addresses volunteers ticketing, is -- was the main number-one issue for the people with disabilities last year. It is a long time coming where we need to enforce, and strongly enforce, people who are very rude, who take advantage of people with disabilities, senior citizens who need those parking places. And I urge a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 951 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 voting Yes, 2 voting No, no voting Present. Senate Bill 951, having received the required constitutional majority, is declared passed. Senate Bill 953. Senator Geo-Karis. Out of the record. Senate Bill 954. Senator Fawell. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 954.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is also offered at the request of the Secretary of State. As we all know, when persons are driving vehicles which weigh ten thousand pounds or more, they must have a commercial driver's license. Right now the license can be taken away if the CDL holder is -- refuses to take a DUI test, or is

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convicted of a DUI, and -- or has a conviction of drug offenses. This bill would provide that if he is convicted of a second conviction, that he will not be able to have a CDL license in the State of Illinois.

PRESIDING OFFICER: (SENATOR WATSON)

Discussion? Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, is this prospective or does it count past disqualifications? In other words, after this law becomes effective, is it two disqualifications from that date on, or does somebody who -- who currently, perhaps, have two disqualifications, would they automatically be barred for life?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell.

SENATOR FAWELL:

I believe it's prospective. It's -- it's -- it doesn't take effect until January 1st, 1996 {sic} (1998). My assumption, it's prospective.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Jacobs. Further discussion? Senator Collins.

SENATOR COLLINS:

Senator Geo-Karis -- I mean -- I'm sorry. Senator Fawell, let me understand this.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield, Senator Collins.

SENATOR COLLINS:

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If -- if you lost -- if you made your living by driving, we're talking commercial vehicles - buses, large trucks, whatever - temporarily you was disqualified your license -- from having a license to do so, and ten, fifteen years later you had an accident or something that could have been contributed to your fault or whatever, and you lost your license, or after having X number of tickets, are you saying that if the offenses was not -- are you talking where someone is hurt? What -- what disqualifies them to lose their license? Will they lose their vehicle license after so many tickets, just as the passenger car driver?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell.

SENATOR FAWELL:

This is only for those drivers who are convicted of a DUI the second time, or a -- under a drug charge a second time. They've already had their one chance and they screwed up, and they're driving a big vehicle.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR FAWELL:

I would solicit an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 954 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Yes, no voting No, no voting Present. Senate Bill 954, having received the required constitutional majority, is declared passed. Senator Fawell, on Senate Bill 955. Mr. Secretary, please read the bill.

SECRETARY HARRY:

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Senate Bill 955.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell.

SENATOR FAWELL:

Thank you -- thank you very much. This is strictly a technical bill. We find that the -- it's offered by the Secretary of State, and he found out that the Vehicle Codes were in conflict with each other. This merely clarifies the -- the Vehicle Code.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Yeah. Would the sponsor yield, please?

SENATOR JACOBS:

Sponsor indicates she'll yield, Senator Jacobs.

SENATOR JACOBS:

Is this a fee increase, then, Senator?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell.

SENATOR FAWELL:

No. Actually what's happened is, at one time, the Secretary was charging a fee of three dollars for reclassification of registration, and then, in another Section of the Code, he -- it was raised to five. He's been changing -- he's been charging the five since -- since he's been in office, and he found this conflict. That's all.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Welch.

SENATOR WELCH:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

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Sponsor indicates she'll yield, Senator Welch.

SENATOR WELCH:

Senator Fawell, are there any other areas the Secretary is charging more than the statutory fee that we can find, or -- or is this the new way to raise revenue for the Road Fund?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell.

SENATOR FAWELL:

It was already raised in one Section of the Code. Just making it so that both Sections read the same.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? If not, Senator Fawell, do you wish to close?

SENATOR FAWELL:

Just -- just solicit an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

All those in favor of Senate Bill 954 {sic} will 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 54 voting Yes, 1 voting No, no voting Present. Senate Bill 955, having received the required constitutional majority, is declared passed. Senate Bill 999. Out of the record. Senate Bill 1000. Senator Philip. Senator Pate Philip. Out of the record. Senate Bill 1001. Senator Rauschenberger. Out of the record. Senate Bill 1019. Senator Karpel. Out of the record. Senate Bill 1024. Senator Severns. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1024.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

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Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. With the passage of the federal welfare reform bill, each state is required to have a new hire -- new hire reporting system in place by October 1st, 1997. This system will ultimately feed into the federal Parent Locator Service. It is an attempt to get at the evasion of paying child support, which has amounted to - at least based on Senator -- former Senator Kustra's report - thirty-five billion dollars nationwide, and it affects some eighteen million children. This bill reflects identically the Kustra task force report on this issue. I know of no opposition, and I would urge a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 1024 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there 56 voting Yes, no voting No, no voting Present. Senate Bill 1024, having received the required constitutional majority, is declared passed. Senate Bill 1031. Senator Burzynski. Senator Burzynski, on 1031. Excuse me. Out of the record. Senate Bill 1038. Senator Cullerton. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1038.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill

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comes from the Chicago Bar Association condominium law section. It's a very simple bill. It just clarifies the fact that the term "co-op", which is normally used to -- in condominiums to describe the residential housing, they can use the term "co-op", and it's not -- it would not be in violation of the Business Corporation Act, which prohibits corporations from using the term "co-op" unless they comply with the provisions of that Act. It's just nothing but a clarification that they -- the co-ops are different than the co-operative as organized under the Business Corporation Act. Would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Discussion? Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

How -- can you please define the difference, for the advocacy of all of us, of a co-op building as to a condominium? Is -- is there any -- there is a difference. Could you give us the difference?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Co-ops sell shares to their owners and they form a corporation. And I also believe that they do not have mortgages, as I recall. And condominiums, of course, is more typical like a homeowner, where you can have a mortgage and the like.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question?

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PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Fawell.

SENATOR FAWELL:

Senator, you used to have a Representative that did all this work rather constantly. Are you planning on taking his job over for him?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

Yes. We took care of former Representative Ellis Levin, and he's currently retired.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR CULLERTON:

Appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Question is, shall Senate Bill 1038 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, and no voting Present. Senate Bill 1038, having received the required constitutional majority, is declared passed. Senate Bill -- or, 1043. Senator Geo-Karis. Out of the record. Senate Bill 1044. Senator Geo-Karis. Out of the record. Senate Bill 1045. Senator Geo-Karis. Out of the record. Senate Bill 1059. Senator Parker. Out of the record. Senate Bill 1070. Out of the record. Senate Bill 1075. Senator Severns. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1075.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. Senate Bill 1075 simply tries to make automatic the thirty-five-hundred-dollar homestead exemption that our residents should receive. Right now Cook County and, I'm told, Winnebago County provide this automatically. There are a lot of homeowners that don't receive this average two-hundred-and-sixty-four-dollar exemption, because they don't know they have to go through the application process to receive it. This just says, since we passed it along time ago, we ought to make it automatic. It passed out of the Revenue Committee on the -- on the Agreed Bill List, and I know of no opposition. Would urge the favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1075 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. Senate Bill 1075, having received the required constitutional majority, is declared passed. Senate Bill 1094. Senator O'Daniel. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1094.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Daniel.

SENATOR O'DANIEL:

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Thank you, Mr. President, Members of the Senate. Senate Bill 1094, as amended, exempts the requirement that cemeteries have to file a yearly affidavit. There's several -- this is everywhere except Cook County. You might remember a couple of years ago I passed this out of here without any dissenting votes, and then it got over in the House and -- Cook County had some problem with it. So this time we exempted the -- Cook County out of it. If you have any questions, I'll attempt to answer them. This was brought to me by some people from downstate where there's a lot of small cemeteries that hardly no one maintains, other than just some relatives or -- or neighbors or someone, and this creates them a problem to have to file an affidavit every year for not-for-profit status. Have any questions, I'll attempt to answer them.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 1094 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. Senate Bill 1097, having received -- 1094, having received the required constitutional majority, is declared passed. Senate Bill 1097. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1097.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill came out of the Judiciary Committee on the

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Agreed Bill List and provides that an association which is incorporated pursuant to the General Not For Profit Corporation Act shall have standing to sue when one or more of its members would otherwise have standing to sue in his or her own right provided that the interest it seeks to protect are germane to the association's corporate purposes. This would bring Illinois in line with most other states and also proceedings in federal court. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Berman.

SENATOR BERMAN:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Berman.

SENATOR BERMAN:

My analysis says that the United Way is opposed to this bill. Why? And is that the case?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Thank you, Senator Berman. I have a letter here from just a couple of days ago from the United Way of Illinois, clarifying that they've now been told that the bill -- they've been explained what the bill does, and it -- they have no opposition. In fact, the last sentence says, "we will withdraw our opposition to Senate Bill 1097." So, the United Way, now that they understand the -- the -- how innocuous this bill is, does not have a problem with it. And I know of no opposition.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman.

SENATOR BERMAN:

You threatened to withhold your contribution. That's probably

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the answer. Thank you very much.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any further discussion? Any further discussion? If not, the question is, shall Senate Bill 1097 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. Senate Bill 1097, having received the required constitutional majority, is declared passed. Senator Parker, on Senate Bill 1099. Out of the record. Senator Cronin, on Senate Bill 1100. Out of the record. Top of page 21. Senate Bill 1101. Senator Rauschenberger. Out of the record. Senate Bill... Senate Bill 1103 is a recall. Senator Severns wishes to have leave of the Body to return Senate Bill 1103 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1103. Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Severns.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. Floor Amendment No. 2 is technical only, and I would urge its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

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3rd Reading. Senator Butler, do you wish to have Senate Bill 1108 returned to the Order of 2nd Reading for the purposes of amendment? The Senator seeks such leave. Is there any objection? Hearing none, leave is granted. On the Order of 2nd Reading is Senate Bill 1108. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Butler.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Butler.

SENATOR BUTLER:

Thank you very much, Mr. President. This amendment merely corrects a technical error that was found in the bill as it was drafted. I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, all those in favor, say Aye. Opposed, No. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 1118. Senator Severns. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1118.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. Senate Bill

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1118 attempts to correct a void in the Municipal Code where it has been silent on what happens when a village president retires or steps down during their term of office. Unlike city councils where mayors -- when a vacancy occurs in the mayor's office, the city council then selects a replacement from that list of council members. It is silent when it comes to village boards. It caused some havoc in one of our local villages in my Senate district. And working with the Municipal League and the villages, we have attempted to correct it by having the language identical to the procedure used by city councils and mayors. All this says is, if a village president vacates their office during their term of office, the village board must replace that position with an existing board member. There is no opposition, and I'll be happy to answer any questions. Would urge a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Just a question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Is there -- this has happened before, as you and I know. Supposing they're in the middle of a four-year term, would they have to have another election?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Severns.

SENATOR SEVERNS:

It -- it's silent on that, but it's the same procedure used by the council. It simply says -- it simply goes to the appointment, and it says the appointment must come from the sitting village board members. It's silent on that issue.

PRESIDING OFFICER: (SENATOR WATSON)

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Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Perhaps, when you send it over to the House, they should go into that, because we had the situation where one of my city council members died in the first year of his term, and we appointed another one to replace him, but he had to run for office in the next term. So if you would look into it, I'd appreciate it.

PRESIDING OFFICER: (SENATOR WATSON)

Is there further discussion? If not, the question is, shall Senate Bill 1118 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, no voting No, no voting Present. The lights went out. Senate Bill 1118, having received the required constitutional majority, is declared passed. Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Mr. President. Senator Donahue has filed, this date, a motion with respect to Senate Bill 689.

PRESIDING OFFICER: (SENATOR WATSON)

Mr. Secretary, the Chair requests that these motions be printed on the Calendar. So ordered. We will now go to Executive Session for the purpose of advice and consent. Mr. Secretary, Committee Reports.

SECRETARY HARRY:

Senator Petka, Chair of the Committee on Executive Appointments, to which was referred the Governor's Message of January 9, 1997, reported the same back with the recommendation that the Senate advise and consent to the following appointments.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

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SENATOR PETKA:

Thank you, Mr. President. I move the Senate resolve itself into Executive Session for purpose of acting on the Governor's appointments set forth in his Messages of January 9th, January 23rd and January 29th.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? The question is, does the Senate advise and consent... You've heard the motion. All those in favor, say Aye. Opposed, Nay. The Ayes have it. Senator Petka, we are now in Executive Session.

SENATOR PETKA:

Mr. President, with respect to the Governor's Message of January 9th, I will read the unsalaried appointments to which the Senate Committee on Executive Appointments recommends that the Senate do advise and consent:

To be members of the Illinois State Board of Education for terms to be drawn by lot, William E. Hill of Charleston, Henry {sic} (Harry) E. Litchfield of Coal Valley, James J. Palos of Chicago, Sandra M. Pellegrino of Peoria.

Mr. President, having read the unsalaried appointments of January 9th, I now seek leave to consider these appointments on a roll call. And, Mr. President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, does the Senate advise and consent to the nominations just made. 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 54 voting Yes, 2 voting No, 1 voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Mr.

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Secretary.

SECRETARY HARRY:

Senator Petka, Chairperson of the Committee on Executive Appointments, to which was referred the Governor's Message of January 23rd, 1997, reported the same back with the recommendation that the Senate advise and consent to the following appointment.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Thank you, Mr. President. With respect to the Governor's Message of January 23rd, I will read the salaried appointments to which the Senate Committee on Executive Appointments recommends that the Senate do advise and consent:

To be a member of the Court of Claims for a term ending January 20th, 2003, Frederick J. Hess of Belleville, Illinois.

Mr. President, having read the salaried appointment, I now seek leave to consider these -- this appointment on a roll call. And, Mr. President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, does the Senate advise and consent to the nomination just made. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Yes, no voting No, no voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nomination just made. Mr. Secretary.

SECRETARY HARRY:

Senator Petka, Chair of the Committee on Executive Appointments, to which was referred the Governor's Message of

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January 29, 1997, reported the same back with the recommendation the Senate advise and consent to the following appointments.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Thank you, Mr. President. With respect to the Governor's Message of January 29th, I will read the salaried appointments to which the Senate Committee on Executive Appointments recommends that the Senate do advise and consent:

The Department of Aging. To be Director of the Department of Aging for a term ending January 18th, 1999, Maralee I. Lindley of Springfield.

The Department of Commerce and Community Affairs. To be Assistant Director of the Department of Commerce and Community Affairs for a term ending January 18th, 1999, Levi Moore, Jr., of Chicago.

Emergency Management Agency. To be the Director of the Emergency Management Agency for a term ending January 18th, 1999, John G. Mitchell of Orland Park.

The Environmental Protection Agency. To be the Director of the Environmental Protection Agency for a term ending January 18th, 1999, Mary A. Gade of Springfield, Illinois.

The Department of Financial Institutions. To be the Director of the Department of Financial Institutions for a term ending January 18th, 1999, Frank C. Casillas of Downers Grove.

To be the Assistant Director of the Department of Financial Institutions for a term ending January 18th, 1999, Halina Bielowicz of Glenview, Illinois.

State Fire Marshal. To be the State Fire Marshal for a term ending January 18th, 1999, Thomas L. Armstead of Springfield.

Department of Insurance. To be the Director of the Department of Insurance for a term ending January 18th, 1999, Mark

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E. Boozell of Chatham.

To be the Assistant Director of the Department of Insurance for a term ending January 18th, 1999, Madelynn L. Brown of Chicago.

Department of Labor. To be the Director of the Department of Labor for a term ending January 18th, 1999, Shinae Chun of Riverwoods.

To be Assistant Director of the Department of Labor for a term ending January 18th, 1999, James H. McGrath of Springfield.

To be the Chief Factory Inspector of the Department of Labor for a term ending January 18th, 1999, Robert L. Nicol of Edinburg.

To be the Superintendent of Safety Inspection and Education of the Department of Labor for a term ending January 18th, 1999, Francis Mon of Skokie.

Department of Natural Resources. To be the Director of the Department of Natural Resources for a term ending January 18th, 1999, Brent Manning of Pawnee.

Department of Nuclear Safety. To be the Director of the Department of Nuclear Safety for a term ending January 18, 1999, Tom W. Ortciger of Flossmoor.

Department of Revenue. To be the Director of the Department of Revenue for a term ending January 18th, 1999, Kenny -- Kenneth E. Zehnder of Springfield.

To be Assistant Director of the Department of Revenue for a term ending January 18th, 1999, Patricia S. Marriott of Springfield.

The Department of Veterans' Affairs. To be the Director of the Department of Veterans' Affairs for a term ending January 18th, 1999, Robert E. Foster of Girard.

To be Assistant Director of the Department of Veterans' Affairs for a term ending January 18, 1999, George R. Cramer of

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Woodridge.

Mr. President, having read the salaried appointments, I now seek leave to consider these appointments on a roll call. And, Mr. President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? The question is, does the Senate advise and consent to the nominations just made. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 -- pardon me -- 57 voting Yes, no voting No, no voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Petka.

SENATOR PETKA:

Mr. President, I move that the Senate arise from Executive Session.

PRESIDING OFFICER: (SENATOR WATSON)

You have heard the motion. Those in favor, say Aye. Opposed, Nay. Motion carries. Senator O'Malley, for what purpose do you rise?

SENATOR O'MALLEY:

For purposes of announcement, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Yes, state your purpose.

SENATOR O'MALLEY:

The Financial Institutions Committee will meet immediately following our Session this afternoon, in Room 400, to consider three pending amendments.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Sieben, for what purpose do you rise?

SENATOR SIEBEN:

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For the purpose of an announcement.

PRESIDING OFFICER: (SENATOR WATSON)

Yes. Proceed.

SENATOR SIEBEN:

The Senate Ag Committee will meet in A-1 in the Stratton Office Building in approximately twenty minutes. There will be one committee. I think the Government Operations Committee will meet ahead of us. So, immediately following the Government Operations Committee, the Senate Ag Committee will be meeting in A-1 in the Stratton Office Building.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson, for what purpose do you rise?

SENATOR HAWKINSON:

For purposes of an announcement, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Proceed.

SENATOR HAWKINSON:

Tomorrow morning, at 9 a.m., the Senate Judiciary Committee will be meeting in Room 400. 9 a.m. tomorrow morning, Room 400.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fitzgerald, for what purpose do you rise?

SENATOR FITZGERALD:

Yes. We are going to cancel the State Government Operations Committee meeting scheduled this afternoon, and we'll just have one meeting later this week to consider two Floor amendments. I didn't want to go ahead and have a meeting with just one Floor amendment right now. So no State Government Operations Committee meeting this afternoon. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Sieben, for what purpose do you rise?

SENATOR SIEBEN:

For a second announcement on the Ag Committee. Hearing of the

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cancellation of the Government Operations Committee, the Ag Committee will meet immediately upon adjournment in Room A-1.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any further business to come before the Senate? If not, Senator Burzynski moves that the Senate stand adjourned until 10 a.m., Tuesday, March 18th. Happy St. Patrick's Day.

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