

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

26th Legislative Day

March 19, 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 Reverend Dr. Gary Rhodes, Elliott Avenue Baptist Church, Springfield, Illinois. Reverend Rhodes.

THE REVEREND GARY RHODES:

(Prayer given by the Reverend Gary Rhodes)

PRESIDENT PHILIP:

Senator Sieben, Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal.

SECRETARY HARRY:

Senate Journals of Wednesday, March 12th and Thursday, March 13th, 1997.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

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

PRESIDENT PHILIP:

Senator Geo-Karis moves to approve the Journals just read. There are no objections, so ordered. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, I move that reading and approval of the Journals of Friday, March 14th; Monday, March 17th; and Tuesday, March 18th, in the year 1997, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

Senator Fawell, Chair of the Committee on Transportation, reports the following amendments to Senate Bills Be Adopted - Amendment 3 to Senate Bill 30, Amendment 2 to Senate Bill 225, Amendment 2 to Senate Bill 495, Amendment 3 to Senate Bill 543, Amendment 1 to Senate Bill 730, Amendment 3 to Senate Bill 800, Amendment 1 to Senate Bill 927, Amendment 2 to Senate Bill 950 all Be Adopted; and Senate Amendment 2 to Senate Bill 543 tabled by the sponsor.

Senator Cronin, Chair of the Committee on Education, reports Amendment 1 to Senate Bill 557 and Amendment 1 to Senate Bill 558 Be Adopted.

Senator Lauzen, Chair of the Committee on Commerce and Industry, reports Amendment 1 to Senate Bill 417, Amendment 2 to Senate Bill 469, Amendment 2 to Senate Bill 476, Amendment 1 to Senate Bill 716, Amendment 3 to Senate Bill 753, Amendment 1 to Senate Bill 953, Amendment 2 to Senate Bill -- or, on those bills, all Be Adopted.

Senator Butler, Chair of the Committee on Local Government and Elections, reports 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 1 to Senate Bill 682 all Be Adopted.

Senator Syverson, Chair of the Committee on Public Health and Welfare, reports Amendments 1 and 2 to Senate Bill 240, Amendment 2 to Senate Bill 351 and Amendment 1 to Senate Bill 755 all Be Adopted.

Senator Madigan, Chair of the Committee on Insurance and

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Pensions, reports Amendment 1 to Senate Bill 63, Amendment 2 to Senate Bill 194, Amendment 1 to Senate Bill 196, Amendment 2 to Senate Bill 423, Amendment 1 to Senate Bill 490, Amendments 1, 3, 5, 8, 9, 10, 11 and 12 to Senate Bill 665, Amendment 2 to Senate Bill 672, Amendment 2 to Senate Bill 711, Amendment 2 to Senate Bill 501 {sic} (801) and Amendment 2 to Senate Bill 1048 all Be Adopted.

Senator Burzynski, Chair of the Committee on Licensed Activities, reports Amendment 3 to Senate Bill 372, Amendment 1 to Senate Bill 610, Amendment 1 to Senate Bill 902, and Amendment 2 to Senate Bill 1084 Be Adopted.

And Senator Hawkinson, Chair of the Committee on Judiciary, reports Amendment 1 to Senate Bill 171 and Amendment 2 to Senate Bill 358 both Be Adopted.

PRESIDENT PHILIP:

Messages.

SECRETARY HARRY:

A Message for the Governor, by Deno Perdiou, Director of Legislative Affairs, March 18th, 1997.

Mr. President - the Governor directs me to lay before the Senate the following Message.

To the Honorable Members of the Senate, 90th General Assembly - I have nominated and appointed the following named persons to the offices enumerated below, and respectfully ask concurrence in and confirmation of these appointments of your Honorable Body.

PRESIDENT PHILIP:

I'd like to now turn over the Chair to Senator Madigan for the purpose of a introduction. Senator Madigan.

SENATOR MADIGAN:

Thank you, President Philip and Members of the Senate. It's Senator Vince Demuzio's and my honor this morning to introduce to

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you a couple people that I would like to welcome you to the -- like you to welcome to the Senate. First of all, let me introduce to you a constituent of mine from Havana, Illinois, who has just been elected and will serve for the next year as Miss Illinois County Fair Queen. Ladies and Gentlemen of the Senate, let me -- let me ask you to join me in welcoming Queen Athena Taylor from Havana.

ILLINOIS COUNTY FAIR QUEEN ATHENA TAYLOR:

(Remarks by Illinois County Fair Queen Athena Taylor)

SENATOR DEMUZIO:

Thank you, Ladies and Gentlemen. Pate? Senator Philip? Feels great. Feels great. Ladies and Gentlemen, it is my also distinct honor today to introduce a constituent of mine. Hunt Lacey is currently serving as the State President of the FFA. He comes to us from Nokomis, Illinois. He has served as a Chapter Secretary, Vice President, and Section 9 Reporter, and President. He has participated in the Washington Leadership Conference "Made for Excellence," and various other career development events such as land use, ag business management and public speaking. Hunt has been awarded the top Section 5 Reporter District Diversified Livestock Winner and Who's Who Among American High School Students. In the future he plans on attending the University of -- of Illinois majoring in Ag Economics. Hunt, I want to award you a certificate also for being here today. And Ladies and Gentlemen, if you would help me to welcome the President of the State FFA, Hunt Lacey. Hunt.

STATE FFA PRESIDENT HUNT LACEY:

(Remarks by State FFA President Hunt Lacey)

SENATOR MADIGAN:

Thank you, Queen Athena. Thank you, President Hunt Lacey. And Ladies and Gentlemen, also joining us on the -- at the President's table was Director Becky Doyle. And thank you,

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President Philip and Members of the Senate for your courtesy.

PRESIDING OFFICER: (SENATOR DONAHUE)

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 709, offered by Senator Weaver.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Bomke, for what purpose do you rise?

SENATOR BOMKE:

Thank you, Madam President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR BOMKE:

I would like to introduce to the Illinois Senate, Porta High School FFA students, with teacher Boyd Paulsmeyer. If you will all help me welcome them, and if they will rise.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please rise and be recognized by the Illinois Senate. Welcome to Springfield. On page 2 of today's Calendar is the Order of Senate Bills 2nd Reading. And the Chair would like to advise the Membership that this is the final day, the final day, that the Order of Business will be called. So, if you're going to move your bills, today's the day to do it. On the Order of 2nd Reading, top of page 2, is Senate Bill 4. Senator Karpel. Out of the record. ...apologize. I was operating off the wrong Calendar. All right. Now we're at the top of page 2. Senator Mahar, on Senate Bill 54. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 54.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Environment and Energy

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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 Madigan, on Senate Bill 63. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 63.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DONAHUE)

Have there been Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senators Dudycz and Cullerton.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz, on Amendment No. 1.

SENATOR DUDY CZ:

Thank you, Madam President. Amendment No. 1 is -- is technical nature. It just changes duty "disability" to duty "availability".

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Lauzen, on Senate Bill 73. Read the

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bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 73.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Lauzen, on Senate Bill 74. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 74.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Lauzen, on Senate Bill 75. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 75.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Lauzen, on Senate Bill 76. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 76.

(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 Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

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3rd Reading. Senator Mahar, on Senate Bill 141. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 141.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DONAHUE)

Have there been Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Mahar.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar, on Amendment No. 1.

SENATOR MAHAR:

Thank you, Madam President. Amendment No. 1 makes this a shell bill. The intent -- my intent on this is to adopt the amendment, move it to 3rd and keep it on the Calendar for fall, should we need a vehicle for further revisions in telecommunications. I would move adoption of Floor Amendment No. 1.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Farley, on Senate Bill 171. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 171.

(Secretary reads title of bill)

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2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DONAHUE)

Have there been Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Farley.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Farley, on Amendment No. 1.

SENATOR FARLEY:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Amendment No. 1 was adopted this morning in committee, and it takes care of a few problems that was brought up by Senator Hawkinson. What it does is it tightens it up -- the teen court proposal, which now states that everything that transpires will be by written notice. Parents and those that are entering the program will know that they are participating. They will do that by writing. They will know that there might be -- what the penalties might be going in. It also states that the -- the court will -- will take care of these situations, which I recommended to them only at -- at a point where the -- the teen has admitted that he is guilty and he will be doing restitution. It also states that when the teen would be performing a community service, that those that he is performing that service for will not be liable for -- for any injury. I worked with Senator Hawkinson on this amendment. I think it's a good amendment. It makes a good bill better, and I would move for the adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

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PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Lauzen, on Senate Bill 203. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 203.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Lauzen, on Senate Bill 204. Out of the record. Senator Lauzen, on Senate Bill 206. Out of the record. Senator Sieben. Out of the record, on Senate Bill 306. Senator Mahar, on Senate Bill 378. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 378.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Have there been Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR WELCH:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR WELCH:

Madam President, in the Gallery on the Republican side in the back we have the FFA from Seneca, Illinois. Like them to stand and be welcomed to the Senate.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Please rise and be recognized. Welcome to Illinois Senate. Senator Mahar, on Senate Bill 378. We just did that. 3rd Reading. That's out. All right. Senator Dillard, on Senate Bill 417. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 417.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading -- any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard, on Amendment No. 1.

SENATOR DILLARD:

Thank you, Madam President and Ladies and Gentlemen of the Senate. This amendment addresses the concerns that were raised by the Midwest Association of Professional Employer Organizations. You may have received calls from some of their companies over the last few days. And we also deleted all the language dealing with licensure requirements that are in here. Most of these -- or, this amendment takes care of most of the concerns, and I would move its adoption of the -- the people who originally opposed this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

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PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR MAITLAND:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR MAITLAND:

Madam...

PRESIDING OFFICER: (SENATOR DONAHUE)

Just a second, Senator. Continue.

SENATOR MAITLAND:

Madam President, I have the privilege of introducing some students from your district who are in the President's Gallery this morning. They are from the Rushville High School government class. Their teachers are Ken Walters and Brynn Schmitt. They are in the President's Gallery just behind you, and I would like them to rise and be recognized by the Senate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please rise and be recognized. And Welcome. Hi, guys. Senator Luechtefeld, on Senate Bill 459. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 459.

(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 493. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 493.

(Secretary reads title of bill)

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

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PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Sieben, on Senate Bill 604. Out of the record. Senator Farley, on Senate Bill 663. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 663.

(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 Butler, on Senate Bill 604 {sic} (664). Senator Sieben, on Senate Bill 674. Out of the record. Senator Walsh, on Senate Bill 686. Out of the record. Senator Parker, on Senate Bill 711. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 711.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance and Pensions adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR DONAHUE)

Have there been any Floor amendments approved for consideration?

PRESIDING OFFICER: (SENATOR DONAHUE)

Amendment No. 2, offered by Senator Parker.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker, on Amendment No. 2.

SENATOR PARKER:

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Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 711 creates, in the Insurance Code, a new Section, which requires accident and health policies to cover inpatient care following a mastectomy. The policy must also cover an in-office visit to a physician, or an in-home nurse visit within forty-eight hours after discharge to verify the patient's condition. The actual length of stay in the hospital is a period determined by the physician to be medically necessary and in accordance with protocols and guidelines on sound scientific evidence and the patient evaluation.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR DEMUZIO:

Well, thank you. I tried to get your attention a minute ago. Let the record reflect that Senator Cullerton is in Washington on official business today.

PRESIDING OFFICER: (SENATOR DONAHUE)

The record will so reflect. Sorry you didn't get my attention, sir. Senator Madigan, on Senate Bill 801. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 801.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance and Pensions

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adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR DONAHUE)

Have there been Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan, on Amendment No. 2.

SENATOR MADIGAN:

Thank you, Madam President, Members of the Senate. Senate Floor Amendment No. 2 to Senate Bill 801 does three things. It provides additional rule making authority for the Director to be able to define certain technical types of investment instruments. This bill deals with -- in -- the Investment Code. The second thing, it caps the property and casualty reserve requirement required by insurance companies at five hundred million dollars, and it makes technical corrections and clarifications of internal cross-references. I'd be glad to answer any questions on Floor Amendment No. 2 to Senate Bill 801.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Mahar, on Senate Bill 815. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 815.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Environment and Energy

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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 Shadid, on Senate Bill -- Senate Bill 890. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 890.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Berman, on Senate Bill 912. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 912...

PRESIDING OFFICER: (SENATOR DONAHUE)

Excuse me, Senator -- or, Mr. -- out of the record. Out of the record. Senator Shadid, on Senate Bill 922. Read the bill, Mr. -- out of the record. Got to get our signals straight here, gentlemen. Senator Dillard, on Senate Bill 952. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 952.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DONAHUE)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

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Amendment No. 3, offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard, on Amendment No. 3.

SENATOR DILLARD:

Thank you, Madam President. This is a bill proposed by Secretary of State George Ryan's Business Corporation Advisory Committee and the Taxpayers' Federation of Illinois. And the Floor amendment moves two objectional {sic} provisions, one that Senator Hawkinson had some concerns about, and the other Senator Cullerton. And I would move its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Senator Berman, on Senate Bill -- have there -- any further amendments for consideration?

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Berman, on Senate Bill 1072. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1072.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator del Valle, on Senate Bill 1084. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1084.

(Secretary reads title of bill)

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

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PRESIDING OFFICER: (SENATOR DONAHUE)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator del Valle.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator del Valle, on Amendment No. 2.

SENATOR DEL VALLE:

Thank you, Madam President. Amendment No. 2 defines "assistive technology." It allows the Department to establish the centers subject to appropriation and allows the Department to determine the locations of the centers.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

Senate Bill 1105.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR FARLEY:

A point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

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SENATOR FARLEY:

Thank you. Inadvertently yesterday the Yes button was voted on Senate Bill 228. I did want to be recorded as voting No on that bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

The record will so reflect, Senator Farley. Now, we are going to go to the Order of Senate Bills 3rd Readings. And we are going to do our recalls first. So if those of you that are on the list for recalls, please be ready to proceed. Our first recall bill will be on the top of page 4. It's Senator Parker, on Senate Bill 30. Senator -- excuse me just a second. Senator O'Daniel, for what purpose do you seek recognition?

SENATOR O'DANIEL:

Thank you, Madam President. For a point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR O'DANIEL:

In the gallery back on the Republican side in the rear gallery is John Kabat - he's the agriculture teacher at Mt. Vernon - with a group of his FFA students. Would you help me welcome them to the Chamber?

PRESIDING OFFICER: (SENATOR DONAHUE)

We're glad to have you. Welcome to Springfield. Will you rise and be recognized? Senator Parker, on Senate Bill 30. Read the bill, Mr. Secretary. Do you wish to have this bill returned 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 30. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Parker.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker, on Amendment No. 3.

SENATOR PARKER:

Amendment No. 3 merely makes the years that we will replate at the discretion of the Secretary of State and increases the fine for those people who do not comply to three hundred to five hundred dollars.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Our next recall is Senate Bill 85, and I would ask leave of the Body to return to that at the end. Next would be Senator Dudycz, on Senate Bill 129. Do you wish to have this returned 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 129. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Dudycz.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz, on Amendment No. 2.

SENATOR DUDYCZ:

Thank you, Madam President. Amendment No. 2 adds the word "person" after "Any" in the bill, and it also adds that any violation of the -- of the offense would be a Class B misdemeanor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing

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none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there further amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Next would be Senator Madigan, on Senate Bill 194. Do you wish to have leave of the Body to return 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 194. Mr. Secretary, are there Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senators Dudycz and Cullerton.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz, on Amendment No. 2.

SENATOR DUDYCZ:

Thank you, Madam -- Madam President. The amended bill-- or Amendment No. 2 would change the Pension Code in Section 5/22-307 barring common law and statutory rights of an injured downstate police officer or firefighter regarding filing workers' comp claims, if the municipality has established a benefits plan under certain conditions.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

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SENATOR BOMKE:

Thank you, Madam President. For a point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR BOMKE:

Thank you. We have, in the gallery behind the Democrats, Williamsville Junior High School sixth-grade teacher, Verna Stallone.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you all please wave and be recognized, since you're all rising? Welcome to Springfield. Our next bill would be Senator Parker, on Senate Bill 225. Just a second, Senator Parker. I skipped one. Senator Madigan, do you wish to return -- the Order of -- Senate Bill 196 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 196. Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan, on Amendment No. 1.

SENATOR MADIGAN:

Thank you, Madam President and Members of the Senate. Senate Floor Amendment No. 1 to Senate Bill 196 changes the current three years of loss experience time line from three years to five years on conforming with written requests of the insured. This puts that aspect of underwriting in compliance with the five-year requirement on motor vehicle reports and voluntary combined loss experience. I would ask for its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Senator

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Hawkinson.

SENATOR HAWKINSON:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, does this affect individual policies of -- auto policies, for example?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Explain to me: Under current law, do the companies look back three years to a driving record and accidents in -- in setting rates? And if -- if under current law a motorist or an insured has three years of clean driving and gets one of those nice certificates from the Secretary of State, then -- then there aren't -- those prior accidents are not considered. Is this going to expand the period in which accidents are considered for rating?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Well, it could. But I doubt it, Senator Hawkinson, because this has to be at the written request of the insured.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

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SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. It's getting a little noisy in the Chambers. If we could take our conferences off the floors. If the people in the side aisles outside our Chambers will keep their voices down. We have a lot of people in here today, and we've got a lot of business to contract. So let's keep our voices down. On the Order of Senate Bill... Senator Parker, do you wish to have Senate Bill 225 returned to the Order of 2nd Reading for the purposes of an amendment? Hearing no objection, leave is granted. And on the Order of 2rd Reading is Senate Bill 225. Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Parker.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker, on Amendment No. 2.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This amendment merely provides that the volunteers or public or private entities shall assume all liability for and hold the property owner harmless from any and all claims of action resulting from the work of the volunteer. It's an additional protection for liability.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

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3rd Reading. Senator Karpel, on -- do you wish to have Senate Bill 240 returned to the Order of 2nd Reading? Hearing no objection, leave is granted. And on the Order of 2nd Reading is Senate Bill 240. Mr. Secretary, are there any Floor amendments improved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Karpel.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpel, on Amendment No. 1.

SENATOR KARPIEL:

Thank you, Madam President. Floor Amendment No. 1 becomes the bill. It requires the Inspector General at the Department of Children and Family Services and the Inspector General at the Department of Mental Health and Developmental Disabilities report both to the Director of their agencies and to the Governor. It takes -- it takes out all the previous language.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Smith.

SENATOR SMITH:

Thank you, Madam Chairman and Ladies and Gentlemen of -- of the Senate. I would like to concur with Senator Karpel in passing this legislation -- amendment, because it has made it so much different, as it was discussed in our committee. And we certainly appreciate your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

Amendment No. 2, offered by Senator Karpel.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Karpiel, on Amendment No. 2.

SENATOR KARPIEL:

Thank you, Madam President. Floor Amendment 2 adds a provision to the bill which amends the (Mental) Health and Developmental Disabilities Confidentiality Act to give therapists the ability to disclose records without consent to the Inspector General.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Senator Rea.

SENATOR REA:

Yes. A question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Rea.

SENATOR REA:

Senator, on this -- on Senate Bill 240, I believe this is the one that had the -- that added the three assistant inspector generals. Has this been eliminated, or adjusted, or any modifications made?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpiel.

SENATOR KARPIEL:

Senator Rea, I took your suggestions and Senator Smith's, and the Members of the committee, and have deleted all of that language.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

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PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Viverito wishes to have -- seeks leave of the Body to return to the Order of 2nd Reading Senate Bill 307. Is leave granted? Leave is granted. On the Order of 2nd Reading is Senate Bill 307. Mr. Secretary, are there any further amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Viverito.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Viverito, on Amendment No. 1.

SENATOR VIVERITO:

Yes. Thank you, Madam President, Ladies and Gentlemen of the Senate. This particular amendment was suggested by the Medical Society, and we've removed all the opposition. And what it does, basically, is limits the townships with twenty-five thousand or less to have the open -- or, the front-door referendum in desiring primary health care. If there's any questions, I'd be happy to answer them.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Carroll, do you seek leave of the Body to return Senate Bill 351 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 351. Again, we're getting noisy. Mr. Secretary, are there any Floor amendments approved for consideration?

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SECRETARY HARRY:

Amendment No. 2, offered by Senator Carroll.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Carroll, on Amendment No. 2.

SENATOR CARROLL:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Amendment No. 2 was result of discussion in committee between the Hospital Association and Department of Public Health on how to deal with the information to be given when we are asking them to inform new mothers on Heimlich maneuvers on newborn infants. This would resolve their problems and I would move its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. At the top of page 6 is Senator O'Malley, on Senate Bill 358, seeks leave of the Body to return Senate Bill 358 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 358. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley, on Amendment No. 2.

SENATOR O'MALLEY:

Thank you, Madam President. The bill provides that a

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condominium board of directors shall allow an amendment to the condominium instruments granting the owner of a combined unit the exclusive right to use a portion of common elements as a limited common element if certain conditions are met. What the amendment does is eliminate one of those conditions and replaces it with the language that is added in body of the amendment, which basically specifies that if the combined unit is divided, part of the unit is sold and the grant is no longer appropriate, then the condo board may terminate the grant and require the original combined unit to restore the common area to its original condition.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is -- all those in favor, say Aye. Opposed, Nay, and the Ayes have it. Are there further amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

The amendment is adopted. 3rd Reading. Senator Link, for what purpose do you rise?

SENATOR LINK:

Madam President, a point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR LINK:

Inadvertently on Senate Bill 228 my button was pushed on a Yes. I would like to be recorded as a No vote on Senate Bill 228.

PRESIDING OFFICER: (SENATOR DONAHUE).

The record will so reflect. Senator Burzynski, do you wish to have Senate Bill 372 returned 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 372. Mr. Secretary,

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have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Burzynski.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Burzynski, on Amendment No. 3.

SENATOR BURZYNSKI:

Thank you, Madam President. Senate Amendment No. 3 becomes the bill, gives physician assistants limited prescriptive authority, clarifies the reimbursement of practice, and changes the ratio of physician assistant to physician. This is an agreed bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Rauschenberger seeks leave of the Body to return Senate Bill 373 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 373. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger, on Amendment No. 2.

SENATOR RAUSCHENBERGER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Amendment No. 2 -- Floor Amendment No. 2 to Senate Bill 373 adds an effective date to the bill. We feel it's pretty

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noncontroversial.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Fitzgerald, on Senate Bill 423, do you -- out of the record. ...the record. Senator Sieben, on Senate Bill -- Senator Fawell, for what purpose do you rise?

SENATOR FAWELL:

I wanted to bring Senate Bill 381 back to 2nd.

PRESIDING OFFICER: (SENATOR DONAHUE)

With leave of the Body, we'll come back to that if that is, in fact, the case. Let's go to Senator Sieben, on Senate Bill 428. Senator Sieben seeks leave of the Body to return 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 428. Mr. Secretary, there -- are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Sieben.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Sieben, on Amendment No. 2.

SENATOR SIEBEN:

Thank you, Madam President. Amendment No. 2 is a technical amendment to correct a drafting error. It replaces the word "by" with the words "the rules of". Move for its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing

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none, all those in favor, say Aye. Opposed, Nay. The Ayes have it. Amendment is adopted. Are there further Floor amendments approved for consideration? Mr. Secretary, are there...

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Butler, do you seek leave of the Body to return Senate Bill 436 to the Order of 2nd Reading? Out of the record. Senator Klemm, do you seek leave of the Body to return Senate Bill 469 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 469. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Klemm.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm, on Amendment No. 2.

SENATOR KLEMM:

Yes. Thank you, Madam President. This amends the Illinois Public Relations Act, and it pertains only to the 9-1-1 dispatchers. We include a definition of "dispatchers." We include the exemption of 9-1-1 from the Public Relations Act, and I wanted to thank publicly Mr. Ray Harris from AFSCME Council for his suggestions on reaching an agreement on this legislation. I know of no opposition, and I ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

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PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Fawell, do you seek leave of the Body to return Senate Bill 476 to the Order of 2nd Reading? Hearing no objection, leave is granted. And on the Order of 2nd Reading is Senate Bill 476. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell, on Amendment No. 2.

SENATOR FAWELL:

Thank you. This is just a technical amendment that clarifies the employment in a recreational or educational activity.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Madigan, do you seek leave of the Body to return Senate Bill 490 to the Order of 2nd Reading for purposes of an amendment? Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 490. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan, on Amendment No. 1.

SENATOR MADIGAN:

Thank you, Madam President and Members of the Senate. Senate

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Bill 490 is the domestic violence bill, and Floor Amendment No. 1 to Senate Bill 490 makes three changes in it. It -- it deletes the language that would have allowed an insurance company to deny life insurance to an individual who has the significant potential to be a victim of domestic violence. Further clarifies the definition of "abuse" to include harassment and intimidation, and inserts an exemption for jurisdiction rights of an administrative agency to carry out its authority. I would ask for the adoption of Floor Amendment No. 1 to Senate Bill 490.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Geo-Karis seeks leave of the Body to return Senate Bill 495 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 495. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis, on Amendment No. 2.

SENATOR GEO-KARIS:

Madam President, Ladies and Gentlemen of the Senate, Amendment No. 2 clarifies that the requirement of youngsters wearing flotation devices under the age of thirteen only applies to watercraft under twenty-six feet in length and does not apply to

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persons who are below decks or in totally enclosed cabin spaces.
And I move for its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Shadid seeks leave of the Body to return Senate Bill 509 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 509. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Shadid.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shadid, on Amendment No. 2.

SENATOR SHADID:

Thank you, Madam President. Amendment No. 2 deletes the portion of the bill that requires a fingerprint and criminal record check -- background check. With this amendment, the bill will still require a candidate for sheriff to be a citizen, and one-year residency of the county, and not be a convicted felon.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

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PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Dudycz seeks leave of the Body to return Senate Bill 543 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 543. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Dudycz.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz, on Amendment No. 3.

SENATOR DUDYCH:

Thank you, Madam President. Amendment No. 3 provides that cameras can only be used to get a picture of a vehicle going through the red light and is involved in a motor vehicle accident, leaving the scene of the accident, or reckless driving that results in bodily injury. And the amendment also removes all reference to administrative adjudication.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. With leave of the Body, we will return to Senate Bill 557. Senator Peterson seeks leave of the Body to return Senate Bill 558 to the Order of 2nd Reading for purposes of an amendment. Hearing no objection, leave is granted. And on the Order of 2nd Reading is Senate Bill 558. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

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Amendment No. 1, offered by Senator Peterson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson, on Amendment No. 1.

SENATOR PETERSON:

Thank you, Madam President. Senate Amendment 1 adds rail crossings to those areas that would be considered serious safety hazards for children going to school, and also would add rail crossings to vehicular traffic and rail crossings. I ask for adoption of Amendment 1.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Burzynski, do you seek leave of the Body to return Senate Bill 610 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 610. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Burzynski.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Burzynski, on Amendment No. 1.

SENATOR BURZYNSKI:

Thank you. This amendment clarifies under what circumstances a therapeutically certified optometrist may give patient care orders to a licensed nurse.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing

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none, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Maitland, do you seek leave of the Body to return Senate Bill 665 to the Order of 2nd Reading for the purposes of amendment? Hearing no objection, leave is granted. And on the Order of 2nd Reading is Senate Bill 665. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senators Donahue and Madigan.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan, on Amendment No. 1.

SENATOR MADIGAN:

Thank you, Madam President, Members of the Senate. Senate Floor Amendment No. 1 to Senate Bill 665 contains the language of four pension bills that have been introduced in this year's Session out of the 90th General Assembly. The language incorporated in Floor Amendment No. 1 is the language from Senate Bill 37, Senate Bill 115, Senate Bill 311 and Senate Bill 312. All of these dealt with changes in the State -- out of the -- State public pension systems. All of this language has been heard and approved by the Pension Laws -- Commission. There is minimal cost to these. The only language that may have some fiscal impact is the language contained in Senate Bill 115, and I think everyone's got copies of this, that it's been distributed, and otherwise would ask for its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing

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

SECRETARY HARRY:

Amendment No. 3, offered by Senators Maitland and Madigan.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland, on Amendment No. 3.

SENATOR MAITLAND:

Thank you very much, Madam President and Members of the Senate. Senate Amendment No. 3 to Senate Bill 665 incorporates the components in -- in Senate Bill 668 and 669, and -- and they have been approved by the Pension Laws Commission. They do -- seek to implement the administrative package of TRS. I know of no opposition and would move its adoption, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

Amendment No. 5, offered by Senator Watson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland will -- is a hyphenated cosponsor. He will present this on -- so, Senator Maitland, on -- with leave of the Body. Leave is granted. Thank you. Senator Maitland, on Amendment No. 5.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. Senate Amendment No. 5 to Senate Bill 665 does implement -- seeks to implement the components contained in Senate Bill 64, has been approved by the Pension Laws Commission. I would seek and move for the adoption.

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PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

Amendment No. 8, offered by Senators Cullerton and DeLeo.

PRESIDING OFFICER: (SENATOR DONAHUE)

Due to Senator Cullerton's absence, Senator DeLeo will carry this. Senator DeLeo, on Amendment -- with leave of the Body. Thank you.

SENATOR DeLEO:

Thank you, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeLeo, on Amendment No. 8.

SENATOR DeLEO:

Thank you. On Senate Bill 665, Senate Amendment No. 8, also, like Senator Madigan said, this has been approved by -- recommended by the Pension Laws Commission. It's -- has minimal costs and it's affecting a judge with two years on the board of trustees of a community college. I ask its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

Amendment No. 9, offered by Senators Cullerton and Rea.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rea, as a hyphenated cosponsor, will carry this amendment. Senator Rea, on Amendment No. 9.

SENATOR REA:

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Thank you. Senate Amendment 9 - this amendment has been recommended by the Pension Laws Commission, and it allows the General Assembly district office personnel to purchase credit for contractual work, and they must apply by March 1st of '98.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

Amendment No. 10, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DONAHUE)

With leave of the Body, due to his excused absence, we will have Senator Molaro on Amendment No. 10. Senator Molaro.

SENATOR MOLARO:

Thank you, Madam Chairman and Members of the Senate. Senate Amendment No. 10 is just an extension of the optional plan for the Chicago Teachers' Pension Code. There's no cost to it. The -- it's an optional plan that's paid for by the members. It sunsetted in 1995. We didn't get the bill in time to allow it to go to the year 2005, and that's what this amendment does.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

Amendment No. 11, offered by Senator Peterson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson, on Amendment No. 11.

SENATOR PETERSON:

Thank you, Madam President. Amendment 11 is the IMRF package,

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which was approved by the Pension Laws Commission, and the cost provisions have been removed. Number one, it grants employees with new IMRF employer service credit equal to twenty percent of their service or five years, whatever is less. Employees could purchase the remaining service by paying the employee contributions, plus interest. It would permit an inactive member to exclude his or her spouse from receipt of death benefits. Retirees, inactive members are allowed to exclude their spouses from receipt of death benefits. Allow retirees to reduce their annuity and to provide additional benefits to surviving spouse. It would change references to the educational service region to the regional office of education. It would grant IMRF authority to administer a defined contribution plan or plans, and it would include Senate Bill 221, which would allow IMRF employees to purchase credit from military service. I move for adoption of Amendment 11.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

Amendment No. 12, offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan, on Amendment No. 12.

SENATOR MADIGAN:

Thank you, Madam President and Members of the Senate. Senate Floor Amendment No. 12 to Senate Bill 665 is the language contained in Senate Bill 210, which is the optional retirement program for the State University Retirement System, which is the defined contribution plan for State University Retirement System employees, and it also adds clarifying language to the portable

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retirement benefit program, which is -- makes those clarifying languages on that -- on that program for State University Retirement System employees. I would ask for its adoption, and otherwise would answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it. Senator Hawkinson. Wait just a second. Can I -- Senator Hawkinson.

SENATOR HAWKINSON:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR HAWKINSON:

Senator, on the last couple amendments I have not heard the language I heard on the earlier amendments that they'd been approved by the Pension Laws Commission. Has this one also be approved by the Pension Laws Commission?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President. Senator Hawkinson, that's a very good question. And that's only an oversight on the part of the presenters -- or the sponsors of the amendments. All of these have been approved by the Pension Laws Commission.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

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PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Hawkinson, do you seek leave of the Body to return Senate Bill 672 to the Order of 2nd Reading for the purposes of amendment? Hearing no objection, leave is granted. On the Order of 2nd Reading is 672. Mr. Secretary, are there any amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson, on Amendment No. 2.

SENATOR HAWKINSON:

Thank you, Madam President. This is the genetic testing legislation, and Amendment No. 2 is an attempt to address several objections that were offered in committee and which I indicated that the sponsors would address, and I think does. Number one, we more clearly define "genetic testing" by accepting the language from the insurance industry. The idea behind this definition is that we do not want to exclude any current practice, whether it's physical characteristics, cholesterol tests, blood tests, urine tests, HIV or drug tests, or others from the ability of the companies to do what they currently do. So we accepted that language, which protects and preserves all of the current testing that is done by insurance companies to determine their rate making. Secondly, there was a paragraph in there dealing with life insurance. It's always been our intention to exclude life insurance from the coverage of this bill, and we accepted the suggestion of the industry to remove the paragraph that they had some questions about. Thirdly, employers had some concern and the Employers' Law Council had concern that the original bill might be inconsistent for employers' duties under ADA and other federal Kennedy/Kassebaum legislation. We accepted language from the Employers' Law Council, which clarifies that employers' duty

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under the genetic testing law will be consistent with their duties under the federal Act. That's what this amendment does. It -- the amendment was adopted without opposition in committee, and I would ask for your approval.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Walsh, do you seek leave of the Body to return Senate Bill 682 to the Order of 2nd Reading for the purposes of an amendment? Hearing no objection, leave is granted. On the Order of Senate Bill -- on the Order of 2nd Reading is Senate Bill 680 {sic}. Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Walsh.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Walsh, on Amendment No. 1.

SENATOR WALSH:

Thank you, Madam President. Amendment No. 1 to Senate Bill 682 clarifies the bill. In the bill there is a provision that the audit shall be paid from the circuit clerk's appropriation. This amendment merely exempts the bill from the State Mandates Act. No reimbursement by the State is required for implementation of this Act.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The

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amendment is adopted. Are there further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Radogno, on Senate Bill 716. Do you seek leave of the Body to return 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 716. Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Radogno.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Radogno, on Amendment No. 1.

SENATOR RADOGNO:

Thank you. This amendment is put in at the -- because of the Department of Labor's concern that this bill, without the amendment, would possibly come into conflict with federal law, and it takes care of that concern.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Karpriel, on Senate Bill 723, seeks leave of the Body to return 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 723. Mr. Secretary, have

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there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Karpziel.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpziel, on Amendment No. 2.

SENATOR KARPIEL:

Thank you, Madam President. Amendment No. 2 to Senate Bill 723 is purely technical. It's just -- was a typo.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Fawell, do you seek leave of the Body to return to the Order of 2nd Reading Senate Bill 730 for the purposes of an amendment? Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 730. Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell, on Amendment No. 1.

SENATOR FAWELL:

Thank you very much. The amendment clarifies that the bill applies to counties, cities, villages, incorporated towns, or other municipal entities.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The

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amendment is adopted. Are there further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Syverson seeks leave of the Body to return to the Order of 2nd Reading Senate Bill 753. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 753. Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Syverson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson, on Amendment No. 3.

SENATOR SYVERSON:

Thank you, Madam President. Amendment No. 3 is on a request from Senator Hendon, and what it does is make the residency requirement mandatory for the State of Illinois. And that's the only change it does. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading.

PRESIDING OFFICER: (SENATOR KARPIEL)

Okay. On page 10. Senate Bill 755. On the Order of Recalls 2nd Reading. Senator Obama, do you -- Senator Obama seeks leave of the Body to return Senate Bill 755 to the Order of 2nd Reading

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for the purpose of an amendment. Read the bill -- oh, hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 755. Senator Obama. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senators Obama and Smith.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Obama, to explain your amendment.

SENATOR OBAMA:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This bill relates to welfare reform. It facilitates data collection by the Department and makes that data available to independent researchers. This amendment makes a minor substantive change dealing with some of the concerns that Public Aid Department had. There is now no opposition.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. Senate Bill 800. Senator Fawell, do you wish this bill returned to 2nd Reading for the purpose of amendment? Senator Fawell seeks leave of the Body to return Senate Bill 800 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 800. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR KARPIEL)

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Senator Fawell.

SENATOR FAWELL:

Thank you very much. This amendment does three things. In the event of -- excuse me. In the event of an accident in Illinois, the appropriate Illinois emergency service agency would be notified. Requires that Missouri notify IDOT of the adoption of any rule, plans or completions of investigations and so on and repeals the Bi-State Section of the bill on July 1st of 2001. I know of no objection.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. On page 11, Senate Bill 927. Senator Rauschenberger. I'm sorry, Senator Rauschenberger. On -- on page 10. On page 11, Senate Bill 902. Senator Burzynski. Senator Burzynski, do you wish Senate Bill 902 returned to 2nd Reading for purposes of an amendment? Senator Burzynski seeks leave to -- of the Body to return Senate Bill 902 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 902. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Burzynski.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam President. Senate Amendment No. 1 clarifies

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that an optometrist may split fees with related professional service providers with whom the optometrist practices.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. Now, Senator Rauschenberger, on Senate Bill 927. Senator Rauschenberger, do you want this bill returned to 2nd Reading for purposes of amendment? Senator Rauschenberger seeks leave of the Body to return Senate Bill 927 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 927. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Fawell. Or, Senator Rauschenberger, are you going to explain the amendment?

SENATOR RAUSCHENBERGER:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Amendment -- Senate Floor Amendment No. 1 to 927 adds, from the suggestion of the Transportation Committee, a fee to be paid by motorcycle riders who sign up for the safety course. This is an effort to expand the accessibility of motorcycle safety courses that IDOT gives. I would appreciate favorable action.

PRESIDING OFFICER: (SENATOR KARPIEL)

Is there any discussion? Any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the

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amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. On page 12 is Senate Bill 950. Senator Fawell. Senator Fawell, do you wish this bill returned to 2nd Reading for purpose of amendment? Senator Fawell seeks leave of the Body to return Senate Bill 950 to the Order of 2nd for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 950. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This amendment does several things that were requested by various committee amendment -- Members. It states that the speeding charge of fifteen miles an hour will now be raised to thirty miles an hour to classify as a serious traffic offense. It allows one supervision for a serious traffic offense on -- as a -- and requires as a condition of supervision that the offender complete a traffic safety course approved by the Conference of Circuit Judges. Allows individuals to permit at fifteen years and six months if they are enrolled in a school and pass the Secretary of State's written test, and allows as many people in the front of a pickup truck as there are seat belts. I believe that gets the bill in -- in order. And I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

All right. Is there any discussion? Any further discussion?

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. Senate Bill 953. Senator Geo-Karis, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Geo-Karis seeks leave of the Body to return Senate Bill 953 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 953. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, this amendment adds, quote: "committed with knowledge that such imitation is intended to be used to cause confusion, or to cause mistake, or to deceive." End of quote. This goes to the Infringement Section of the Act to clarify liability in civil action. And I move for its adoption.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

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3rd Reading. Senator Rauschenberger, on Senate Bill 1001. Senate -- Senator Rauschenberger seeks leave of the Body to return Senate Bill 1001 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1001. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Amendment No. 2 is a technical clean-up amendment for some drafting mistakes. I'd appreciate its adoption.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR KARPIEL)

On page 13 of the Calendar is Senate Bill 1048. Senator Jones. Senator Jones seeks leave of the Body to return Senate Bill 1048

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to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading now is Senate Bill 1048. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Jones.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Jones.

SENATOR JONES:

Thank you, Madam President. Amendment No. 2 guts the bill, turns it into a shell bill. The parties interested in the bill have not yet come to an agreement, and this is the reason why it's a shell bill and I move its adoption.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. In the middle of page 3 is the Order of 3rd Reading, and we will now proceed with 3rd Reading. And let me just mention that I believe there's about two hundred bills on the Calendar that we have to get through before adjournment tomorrow, so it'd be wise if you'd call your bills today when they come up. And let's have -- let's have a little quiet. Senate Bill 1. Senator Philip. Senate Bill 2. Senator Philip. Senate Bill 3. Senator Bomke. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 3.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Bomke.

SENATOR BOMKE:

Thank you, Madam President and Members of the Senate. This is nothing more than a shell bill intended to provide a vehicle for recommendations from the Pension Law Commission on the public employee pension, including State University, State Employees and Teachers. The committee voted 8 to 0 to get the shell bill out.

PRESIDING OFFICER: (SENATOR KARPIEL)

Is there any discussion on the bill? If not, the question is, shall Senate Bill 3 pass. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On this question, there are 54 Ayes, no Nays, 1 voting Present. And the bill -- having -- and Senate Bill, having -- Senate Bill 3, having received the required constitutional majority, is declared passed. With leave of the Body -- well, let's see. Senate Bill 5. Senator Radogno. Read -- read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 5.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Bill 5 is an Attorney General initiative. It would allow the introduction of evidence of prior sex crimes into a trial of any of the sex offenses which are enumerated in the bill. It allows the court to determine exactly what evidence is admissible. This legislation, which is unique to sex offenders,

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recognizes the propensity of sex offenders to repeat their crimes, and it allows the court to use this evidence in order to help protect society. It's patterned after the federal rules of evidence. So I would ask for your favorable vote on this bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Is there any discussion? If not, the question is, shall Senate Bill 5 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On this question, there are 56 Ayes, no Nays, none voting Present. And Senate Bill 5, having received the required constitutional majority, is declared passed. Senate Bill 7. Senator Radogno. Read the bill, please, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 7.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Radogno.

SENATOR RADOGNO:

Thank you. Senate Bill 7 is also an initiative of the Attorney General. It would increase sentences for sex offenders who have been convicted twice of the sex crimes specified in the bill. Obviously the thrust here is to protect society from these offenders who, again, tend to repeat their offenses. It would allow the judge to impose a sentence of thirty to sixty years for the second criminal sexual assault, and that's up from the current six years. If one of the two offenses is a combination of aggravated or predatory sexual offenses, then the offender is subject to natural life in prison. Ask for your favorable vote on this bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

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Any discussion? If not, the question is, shall Senate Bill 7 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this question, there are... Oh, take the record, Madam Secretary. On this question, there are 55 Ayes, no Nays, none voting Present. And Senate Bill 7, having received the required constitutional majority, is declared passed. Senate Bill 9. Senator Radogno. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 9.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Radogno.

SENATOR RADOGNO:

Thank you. This is also an initiative of the Attorney General. This bill actually amends the Obscene Phone Call Act, and it creates the offense of harassment through electronic communication. Essentially it recognizes that today obscene phone calls are not the only form of electronic harassment, and it brings the Obscene Phone Call Act into the computer age. Would ask for your favorable vote on this.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 9 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On this question, there are 54 Ayes, no Nays, none voting Present. And Senate Bill 9, having received the required constitutional majority, is declared passed. Senate Bill 13. Senator Luechtefeld. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

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Senate Bill 13.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Madam President and Members of the Senate. Senate Bill 13 simply amends the Criminal Code on concealing and aiding a fugitive. Every person who, with the intent to prevent the apprehension or aid the escape of a person accused of murder, does -- does any act in furtherance of preventing the apprehension or aiding the escape of that person, commits a Class 3 felony. With -- this particular situation was brought to my attention with a -- a double murder of two young people in my district, and in the process, the individual who supposedly did this fled. It is believed that a lot of the family members knew where he was at. The parents of one of the individuals came to me and asked that we do something about -- at the present time in our -- in our system, we have immunity for a number of the family members. This -- we've tightened this bill up. We first put it with simply a felony. We've now restricted it to the case of murder and hopefully that we can -- that you will give us some green votes on this one.

PRESIDING OFFICER: (SENATOR KARPIEL)

All right. Any discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR KARPIEL)

He indicates he will.

SENATOR JACOBS:

You know, it appears to me that instead of having a problem we now have with building more prisons, I think we're going to have

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to build even more. Every time we turn around, we're adding a felony to something, and -- and here, as I read this bill, Senator, and maybe you can respond to this, we have eliminated the exemption from the offense of concealing or aiding a fugitive for a parent, child, brother or sister, leaving the exemption only for a husband or wife. Are we asking, as they did in -- in Germany during World War II, that family members turn in family members? It seems to me that sometimes we're going just a little bit too far, and I just wonder if you could respond to that.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, we've taken all of that out of the bill. It simply is involved with the case of -- case of murder.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Jacobs.

SENATOR JACOBS:

It's my understanding though that everyone is subject to that, if -- if it's a murder offense. And -- you know, and I understand what you're trying to do, but, boy, I'll tell you, it makes it awful different -- awful difficult, to me, to understand, as a parent, you know. And no one wants to aid and abet anyone, but, I'll tell you, I just think that, again, are we going too far? That's my only question, Senator.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Well, thank you, Madam President. Just to clarify some of the questions asked by the preceding speaker. Not only has this offense been limited to cases of first degree murder, Senator, but that part of the exemption which applies to a family member having to give up information about where somebody is or that somebody

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has committed a crime is also deleted from this bill. So it only applies to affirmative actions taken in aiding and abetting. It has not reference whatsoever to the kind of scenario you suggested where someone might be forced to give up information about -- about somebody. It's only the action of aiding and abetting, hiding out, sending to Europe or providing money, something like this, that is proscribed in the cases of first degree murder.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR KARPIEL)

He indicates he will.

SENATOR MOLARO:

All right. I'm reading and it says "with intent to prevent the apprehension". So I want to know if the intent also goes toward at least general knowledge that the person is accused. So I'll say it again: meaning that you -- we're intending to hide him or help him. But, yet, what if I don't know he's being accused of murder? What if he just comes to me and say, "Hey, the cops are looking for me, hide me in the basement"? And I have no idea what they're looking for him for, but he happens to be my friend. I think maybe it's DUI or something, so I throw him in the basement. Does the knowledge have to be that I know he's -- or I have knowledge that he's being sought for murder?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, for legislative intent, that is -- that is clearly not the case in this situation.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Molaro.

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SENATOR LUECHTEFELD:

It would...

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

The intent would require that, your objection.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Question of -- question of the sponsor, please. Senator, at what point are we talking about? Are we talking about an escaped convict, someone who has been tried and -- and sentenced and determined to be a murderer, or are we talking about someone who the police is looking for, who has been accused of being a murderer?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, we're talking about someone who's been accused of -- of murder.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Collins.

SENATOR COLLINS:

Well, Senator, the -- the problem then goes deeper than what you're -- what you're saying. The questions raised by some of the other Senators, I think, is a legitimate one, because this person has not been tried and convicted of a murder, and it would be very difficult for -- depending on the individual. Probably in my case, you know, I don't know what I would do. I would probably encourage a relative to go in and -- and, you know, go through the regular court proceedings, and those people that probably could afford to get the best attorneys will do that. But then there are

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others, if you look at the prison system right now, it's very obvious that there's a correlation between those persons who are able to pay for expert attorneys and the conviction rate. So I think -- most parent would be very, very reluctant to turning in their child or their close relatives in a case where that person has been accused, and especially given in light of the fact that many prosecutors are anxious, and police departments, because of the outcry from the community, to make arrests and when a hideous crime has been committed, to find somebody to accuse. That's reality today. So we need to look at that. Until we can reform our court systems and -- and to bring about some equity and fairness in that whole process, then we ought to be very careful about reaching out and -- and making laws to convict innocent people and making them pay higher penalties.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SENATOR LUECHTEFELD:

First of all, Senator, the people are really obstructing justice in this particular situation, and I think you -- I -- I understand where you're coming from with regard to the accused, but I think you need to look at -- at the people, for instance, who -- who have this happen to your son or your daughter, and you -- it is very likely you know who did it, but you can't find them. And in this case, it was several months before the person was apprehended. I think your attitude would be somewhat different if you were on the other side of that situation, and I -- and I understand where you're coming from. And I would just ask for a positive vote on this issue.

PRESIDING OFFICER: (SENATOR KARPIEL)

The question is, shall Senate Bill 13 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who

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wish? Take the record, Madam Secretary. On this issue, there are 52 Ayes, none voting Nay, 4 voting Present. And Senate Bill 13, having received the required constitutional majority, is declared passed. Senate Bill 65. Senator Trotter. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 65.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Madam President. This bill creates a Minority Environment Scholarship Program to be administered by the Illinois Student Assistance Commission for minority undergraduate and graduate students attending State universities. This initiative was brought about as a consequence of a plight of -- of a student at University of Illinois at Sangamon who initially wanted to go into medicine for the obvious reasons, or perceived obvious reasons, of making some money and having a very viable career. However, as her studies continued, she got into the whole idea that she loved research and she wanted to go into environmental studies. But as she started looking into the job opportunities, she realized that these kind of positions in research -- in scientific research did not pay that much. So she came to me and asked, was there some way that we can sort of help those students who wanted a career in research by creating a scholarship which would help them defer some of the cost. Presently, we have eleven programs similar to this throughout this State, and I'm asking the Members here if we can just create a program which the Natural Resource Business and Management have asked specifically that they would like to have more minorities

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involved. This would encourage more minorities to participate in these kind of scientific research programs and, again, make our community a much better place.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Although I'm very respectful of the sponsor's desire to get more minority students involved in specific areas, I guess I would point out to the Body a couple of things. Number one, we have the largest monetary award program per pupil in the United States already, helping make college affordable in the State of Illinois. And with Senator Watson's wisdom, and not necessarily my participation, we've also just passed another program to make college more affordable. One of the problems in Appropriation we've dealt with over the last four or five years are the -- the small, narrowly defined scholarship programs that are -- currently many of which are housed with the -- the State Board of Education. Although I certainly applaud the -- the sponsor's desire to help a particular student, I'm not really sure that this is the best direction to go on public policy. As long as we still have preserved our right to do legislative scholarships, I guess I would encourage us, whichever Senator represents this student, look very hard to see whether they would meet the qualifications for a legislative scholarship. But I just want to call that to the -- the attention of the Membership. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. I rise in support of this legislation, and I do want to point out to all of my colleagues that in this particular area, I have been working with the various

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departments to -- who have a very low number of minorities, women, Hispanics, in their departments -- various departments of the State, and they say the problem is they cannot find any qualified minorities. They would love to have a more balanced workforce, but they simply cannot find more qualified minorities or women. This would allow -- the scholarships would allow more minorities to get this -- the degrees that they need within this specific category to help alleviate that problem. And I urge an Aye vote, especially during times when we're cutting welfare and working on work programs for people. This would -- this would help. I understand my -- my very good friend, Senator Rauschenberger. He is the Chairman of Appropriation and has to be wary of the bottom line, even though I know in his heart if he wasn't Chair of Appropriations, he would be voting for this bill because I know him personally. I know he's a kind person. He's just doing his job and responsibility as Chairman of Approp. So please keep that in mind when you take his advice, and vote Aye on this bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Dudycz.

SENATOR DUDYCH:

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

PRESIDING OFFICER: (SENATOR KARPIEL)

He indicates he will yield.

SENATOR DUDYCH:

Senator Trotter, is there a requirement that the scholarship recipient must have a -- a grade point average, a specific grade point average to qualify or to maintain this scholarship?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Trotter.

SENATOR TROTTER:

Yes and no. Anyone who pursues a degree and has a major, they

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must have a -- at least a C average to -- in order to get a degree in that major; however, so the language in this bill would be more defined, I did submit an amendment in committee asking for that -- on -- at the request of one of the Members, and it was voted down.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dudycz.

SENATOR DUDYCZ:

So there is no requirement. There's no minimum. You're saying that there's a C minimum to -- to graduate, but as far as to participate in this -- in this program, there is no minimum requirement.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Trotter.

SENATOR TROTTER:

Specifically, to answer your question, the answer is no; however -- right. But I would -- happy to put that -- that amendment on the bill, as I've tried to accommodate the Members over there, but unfortunately, for some reason, you passed the bill out of committee, but then killed the amendments.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dudycz.

SENATOR DUDYCZ:

How many -- how many students would qualify for this type of scholarship? Do you have a number, or is there -- is there a limit, is there a minimum, maximum?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Trotter.

SENATOR TROTTER:

Presently four universities have this environmental program. Out of those programs, there's only twenty African-Americans, or twenty people who are minority. We can certainly, again, to fine tune this, put an amendment on it as it goes to the House to limit

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it to fifty; however, that has not been the case with the other scholarships that we have out here. But certainly, to accommodate you, Senator, I would -- would do that.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dudycz.

SENATOR DUDYCZ:

So there is no minimum or maximum. So any -- any student who wishes to apply for -- for the environmental scholarship program could be in the hundreds or thousands, is that correct?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Trotter.

SENATOR TROTTER:

That's all conditional to the appropriation that we want to give this program. Again, there is a -- certainly a need for it. The job market has asked and requested more minorities to be on their staff who would be sensitive to the environmental concerns, because, unfortunately, what happens, a lot of these environmental dump sites are in -- in the minority districts and minority areas. So certainly they want someone who can interface and understand the community in which these environmental dumps are. And also -- and get into it. As I said, out of the four universities, we only have twenty individuals who are currently enrolled. That number would grow, which again would create jobs for individuals, as we are trying to find jobs right now with this welfare reform, and of course this would be a viable job for one.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dudycz.

SENATOR DUDYCZ:

Yes. Thank you, Madam -- Madam President. And, finally, Senator Trotter, how would define minority students under this program? Who would be qualified to apply for this?

PRESIDING OFFICER: (SENATOR KARPIEL)

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Senator Trotter.

SENATOR TROTTER:

Consider not the majority of the people who are here, of Caucasian, so minority certainly would be African-American, Asians, Hispanics and people of -- of that origin.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dudycz.

SENATOR DUDYCZ:

So, basically, this is an affirmative action program for scholarship -- for people of color, excluding Caucasians. That's what you're saying, right?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Trotter

SENATOR TROTTER:

Not much different from the one that we have a grant now, a scholarship program, for descendants of police and fire and correctional officers. So just because I'm not a police officer, then -- then we can't get a grant? So, no, what I am -- what I'm doing here, not being affirmative action, trying to give something to one group; I'm trying to expand this pie and make more individuals have these same opportunities that we give to other groups of people.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Madam President. Just -- just to close: Senator -- Senator Trotter, unlike the police and firefighters' programs that you've cited, those are -- are gender-neutral, they're race-neutral, they're -- they're ethnic-neutral. All police officers are qualified. This is -- they are all-encompassing, unlike this particular legislation, which is specific legislation for a segment of our population excluding others. And I think

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it's a bad idea. I think we should vote No.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Madam President. I would like to stand in support of this bill, and this reason is this: If you'd look throughout the United States, you'll find that where many of our landfills are located, they're in areas where minority individuals live. If you look here in Illinois on the south side of Chicago, in the suburban area, in that area, we have large landfills. If you look at Robbins and Ford Heights, those are in minority areas. This bill will help encourage some minorities to get involved in environmental studies. Perhaps they can come up with some solutions to cleaning up their own areas, the places where they live. I certainly think they have enough incentive to do so. If we give them the incentive with these scholarships that Senator Trotter has proposed, I think maybe we can come up with some solutions. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

All right. Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you very much, Madam President. I voted to bring this bill out of committee because I was bothered by some of the premises that were used to support it. And since then, I have been doing extensive research to determine whether or not there indeed is any exclusionary aspects to any of the funding mechanisms now. In other words, are there -- were there scholarships that were specifically denying, in any way, entrance into the environmental sciences? And no matter who I talked to, and I talked to quite a few people involved, I could not find a specific case where any -- any minority, any person, was denied a scholarship to study in the environmental area, specifically.

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Now, my problem with this bill is, I think what we're doing is creating another -- another need for a funding pool. Now, if we need more money, we have ample number of -- of mechanisms now to award scholarships, but when we create another one, we obviously are creating a need for further funding. And it would seem to me, let's attack it from what we have now, and if we are deficient, let's correct that. But not -- let's not create this -- this illusion that there's some specific denial or exclusionary aspects to this. I cannot find that. If we need more money, let's go through the -- the funding process. If we need to encourage in some other way, let's do that, but let's not create a need, a huge need, for more -- more money. Let's work with what we have. So I would vote No at this point.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. I guess -- I wasn't going to speak, but I'm a little surprised at -- at some of the questions that have been raised and the amount of time that we've taken to debate this -- this bill. This bill should have been on an agreed bill list. I can't believe that we would consider voting No on a bill that is meant to address a serious shortage that we have of minorities in the environmental studies areas. Twenty in the entire State of Illinois. Twenty. And we're going to say no to establishing a scholarship after we've said yes, certainly, over the years, to medical shortage scholarships, for doctors to serve in underserved areas of the State. We've said yes to teacher shortage scholarships, as we should have, because we need to encourage people to specialize in certain areas where there is a shortage. We've said yes to women athletes in our college system, in order to make sure that there's scholarship dollars available to ensure access. So if we've said yes to all those things in the

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past, why are we saying no to this? It doesn't make any sense. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Hendon, for a second time.

SENATOR HENDON:

Thank you, Madam President. I apologize for rising a second time, but I -- and I would appreciate it if we could -- if people would pay just a little bit of attention. I really thought that this year the Senate was going to be a kinder, more understanding Body. I really did. And I am surprised at the tone of this debate. Even though the words are not harsh, which I appreciate, the meaning is very, very harsh and cruel. We've been here now voting for bills, bill after bill after bill - some I disagree with slightly, but the sponsor said it was necessary or it was a vehicle - and we voted Aye. This is one of the most important bills for the minority community to come through this Senate this year. And I do not believe -- it's just surprising me that we can so nonchalantly get up and -- and talk against this bill and talk about thousands and thousands of applicants when there's only twenty in the State right now and when we have already explained that people in the environmental industry are saying to us all the time that there are no minorities that they can hire to work in this field. If you come in my district or just about any poor district in the State, you'll find dumps after dumps. The "mountain of shame" was in my district. When we tried to get minority contractors on there, the first thing was, "There are no minorities dealing with picking up this garbage that's been dumped in your community," but yet, they continue to dump it in our community. Where is your sensitivity? Where is your sensitivity? Where is your humanity? We -- we voted just yesterday about the partial-birth abortion. I voted along the lines of humanity. This is a humanitarian bill. And I just urge you, before you so

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nonchalantly vote No, especially those of us who consider ourselves Christians and "born again" or whatever, that you could vote against a bill that will give some poor minorities an opportunity to go to college and be somebody instead of swelling the prison system. Because if you look around, we have more black men in prison than in college. That is a crisis, and we need to address it. I urge you to please vote Aye.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any further discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. Just a question for the sponsor. And I wasn't -- I wasn't going to ask any questions or get involved, but, I mean, this is some serious... The question is: Why is it that the folks who are pursuing study in environmental areas, why don't they participate in the ISAC plan? I mean, what -- what is it that holds everybody from participating in the systems that are already currently set up?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Trotter.

SENATOR TROTTER:

I'm certain -- I cannot specifically answer that question, unfortunately; however, this -- the language here and this -- this whole program actually has been supported by ISAC. They were in committee and said they were in support of a program of this nature. So I guess -- they may have the answer of why -- they have not participated in the past, but they also have seen the need of this program going forward.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SENATOR TROTTER:

Thank you very much, Madam President, Members of the Senate. To Senator Dudycz, you regularly talk about affirmative action

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programs, and certainly this is not one of them. There are programs that do fall up -- under that category. Opportunities that we give individuals today, to those who have been historically denied them in the past, does not make a -- an affirmative action program. You know, certainly we are trying to rectify some wrongs that have been done in the past, but this is not one of them. This isn't a wrong. This is called an opportunity for an individual to pursue a study in a discipline that they enjoy. But, unfortunately, because they did not have rich parents, they cannot go to school and have all their bills paid for. They have to take out loans, and once they're through with school, they have to pay those loans back. As a consequence of the -- of the tuition continually going up - I understand there's supposed to be another tuition increase this year - their loan is going to get bigger. All they want is a job that's going to allow them to have a -- a meaningful life and a viable life and also be -- pay -- pay back these loans. This addresses that concern. Senator -- and, Senator Butler, you talked about that you spoke to a lot of individuals. I don't know exactly who you spoke with. Certainly probably not too many from your district, 'cause your district doesn't have a very sizable minority community. So I'm -- certainly that those individuals that do have these concerns would not ordinarily come to you. They have come to me because I am empathetic to -- to their problems and also hopefully can articulate them a little bit better because I, too, reside in those communities that are impacted on these -- with these environmental dump sites. So I, too, think that I was the one chosen, and those individuals have found me, and I am trying now to rectify what they feel has been a wrong, or at least a problem in their community. This is -- and just -- I'm sorry, just one more thing, back to Senator Dudycz. I put forth Amendment No. 1 which had specified that a student who receives a

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minority environmental scholarship must maintain satisfactory academic progress in order to keep the scholarship. This language was written by and suggested by ISAC and is standard language for scholarship programs in the Higher Education Assistance Act. I put that amendment forward. You didn't want to vote for it. I don't know why. I've tried to accommodate each and every one of you, and what I'm asking for now, please accommodate these students who want to go to school, who want to go ahead and study in this needy -- in this needy program, and give me an Aye vote. Give them an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

Okay. The question is, shall Senate Bill 65 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On this question, there are 25 voting Aye, 17 voting Nay, 10 voting Present. And Senate Bill 65, having not received the required constitutional majority, is declared failed. Senate Bill 77. Senator Lauzen. Senate Bill 79. Senator Rauschenberger. Senate Bill 106. Senator Butler. Senate Bill 123. Senator Hawkinson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 123.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. This is an initiative of the Attorney General's Office in response to his Task Force on Sexual Assault. It creates a Sex Offender Management Board to develop a set of protocols for evaluation, identification, counseling and

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monitoring of sex offenders sentenced in this State, realizing that with some, no rehabilitation is possible. We accommodated the wishes of some of the Democratic Members of committee by clarifying that on this Board will be a representative of the Cook County Public Defender or his or her designee, as well as a member from the State Appellate Defender or his or her designee. Be happy to try and answer any questions, otherwise ask for an affirmative vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 123 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On this question, there are 54 Ayes, none voting Nay, none voting Present. And Senate Bill 123, having received the required constitutional majority, is declared passed. Senate Bill 131. Senator Madigan. 132. 138. Senate Bill 140. Senator Radogno. Is -- Senator Radogno? Senate Bill 151. Senator Mahar. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 151.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President. What Senate Bill 151 does is establish a check-off program for the Illinois Propane Industry that enables those engaged in the sale and distribution of propane gas to train its employees in the safe handling and constantly changing regulations dealing with propane gas and to provide education for propane consumers. This check-off is similar to the

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check-off we now have for corn, soy beans, beef and pork. It is a way for the Illinois industry to pool resources and provide training and education as an industry, rather than as individual businesses. The bill is drafted similar to the federal bill that was passed in 1996. The federal Act provides that twenty percent of all money collected by the federal Act in Illinois be returned to Illinois if Illinois has this program in place. This is strictly a volunteer program, and the program does not involve any State funds or any tax.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 151 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On this question, there are 54 voting Aye, none voting Nay, none voting Present. And Senate Bill 151, having received the required constitutional majority, is declared passed. Senate Bill 156. Senator Jacobs. Senate Bill 175. Senator Petka? Senate Bill 182. Senator Rauschenberger. On page 5 is Senate Bill 198. Senator Madigan. Senate Bill 209. Senator Carroll. Senate Bill -- 239. Senator Rauschenberger. Senate Bill 250. Senator Rea. Senate Bill 287. Senator Luechtefeld. 299. Senator Rauschenberger. Senate Bill 304. Senator Sieben. 305. Senator Sieben. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 305.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Madam President. This legislation deals with the

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Agrichemical Incident Response Fund that was established in 1990. It would provide that new facilities that have been opened in recent years would now be allowed to pay five hundred dollars per year into that Fund and receive coverage. It comes from the Department of Agriculture. It's their legislation. I know of no opposition to this bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 305 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On this question, there are 55 voting Aye, none voting Nay, none voting Present. And Senate Bill 305, having received the required constitutional majority, is declared passed. Senate Bill 327. Senator Parker. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 327.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 327 amends the Alzheimer's Disease Assistance Act. It provides that at least two regional Alzheimer's Disease Assistance Centers shall be located to serve the Chicago metropolitan area. One of those now is Rush-Presbyterian-St. Luke, and this one will allow Northwestern University. There is a third one downstate, Southern Illinois University. It allows...

PRESIDING OFFICER: (SENATOR KARPIEL)

Excuse me, Senator Parker.

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SENATOR PARKER:

Yes.

PRESIDING OFFICER: (SENATOR KARPIEL)

Could we have a little quiet in the Chamber, please, so that the sponsors don't have to shout. Thank you.

SENATOR PARKER:

It will allow Northwestern University to be designated as an Alzheimer's Disease Assistance Center and therefore receive grants for research and for the development and maintenance of services with Alzheimer's victims. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Rea.

SENATOR REA:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR KARPIEL)

Indicates she'll yield.

SENATOR REA:

Senator, I know that in committee you explained about the hold harmless of the two centers already there, and that any -- and how it would work, any additional monies. Would you care to elaborate on that?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Parker.

SENATOR PARKER:

Yes, I will. Presently there is two million dollars allocated in the budget to the two present Alzheimer's Centers. One million to Rush-Presbyterian-St. Luke. One million to Southern Illinois University. There is also an additional four hundred thousand that is not in the budget but that people are trying to work towards obtaining. So what will be occurring, and this will be amended in the House - we didn't have the exact language here - that the Southern Illinois and Rush-Presbyterian will be held

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harmless for that initial 2.4 million dollars, is what they're talking about at this point, and then from there on, the three will divide into thirds the additional funding. And that is the agreement that they're working on that they will be amending in the House.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Collins.

SENATOR COLLINS:

Senator Parker, do you have any idea of how many Alzheimer's victims we have in Illinois?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Parker.

SENATOR PARKER:

There are -- I do not know the exact amount of Alzheimer's victims in Illinois, but I do know there are at least an estimated hundred thousand individuals in the six-county metropolitan region who suffer from Alzheimer's in the Chicago area and that Rush-Presbyterian-St. Luke would have to see nearly three hundred patients per day, and only one time, to cover that population. So there is a need for Alzheimer's disease coverage in the Chicago area.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Collins.

SENATOR COLLINS:

I am painfully aware of that, and that's -- I thought I heard you said something about they were only getting a million dollars. Is that all the money we -- we're talking about?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Parker.

SENATOR PARKER:

What is occurring, there is a grant from the State where Rush-Presbyterian gets a million dollars and Southern Illinois

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University gets a million, so there's a combined two million dollars. We would like to lobby to get more money for Alzheimer's patients because certainly Northwestern has been very good in coming up with grants from the federal government for research, but then with this additional grant that they can get, hopefully, they can actually serve the Alzheimer's patients. So I would welcome any support, as far as working towards more funding for this very important issue.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Collins.

SENATOR COLLINS:

Thank you very much, and I -- I will be happy to do -- I know -- we have no impact on this side of the aisle, but that is one initiative that need more funding, and I will be happy to do whatever I can.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President. Senator, the way it looks in this -- what we're doing here with the Alzheimer's, having had a father who -- who had Alzheimer's and ended up dying from it, it appears to me that we're taking care of Chicago and -- and a part of southern Illinois, but there's nothing in between. And I just wondered why we didn't try to take care of the problem, and instead of just adding in one area, to take care of the problem throughout the whole State.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Parker.

SENATOR PARKER:

In 1985 the General Assembly approved and the Governor signed into law the Illinois Alzheimer's Disease Initiative, which gives a number of State agencies the responsibility for implementing

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portions of Alzheimer's Disease initiatives. And these ADA Centers, so far there have only been two, and now we are adding a third. It does not mean that there couldn't be another; however, we do have to be careful as far as where the funding would be coming from. But it doesn't exclude that there never could be another Alzheimer's Center in the State.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Jacobs.

SENATOR JACOBS:

Yeah. I really don't have a lot problem with that, except I think that beings we're doing this and -- and if we're going to give special privilege to one part of the State, then we shouldn't forget the rest of the State either. And I think that we should try to massage this a little bit over in the House, and if we could add some, I think that maybe we should do so.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Madam President. I'd just like to point out that the original bill that Senator Parker spoke about was part of ten-bill Alzheimer's package that Senator Rock brought to the Senate back in 1985, and that's what we're now expanding. So this was initially a Democratic initiative, and we commend Senator Parker for building upon it. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SENATOR PARKER:

Thank you very much. I appreciate your support. And in response to Senator Jacobs, Northwestern University came to me because they are in my district, and certainly if there are other opportunities, I'm certain that they could contact their Senator. And, you know, it's a good program. I would ask for a favorable

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vote. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

The question is, shall Senate Bill 327 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On this issue, there are 55 Ayes, 1 voting No, none voting Present. And Senate Bill 327, having received the requested {sic} constitutional majority, is declared passed. Senate Bill 345. Senator Cronin. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 345.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This amends the Children and Family Services Act. It provides that all records concerning foster placement and foster parent identifying information shall be confidential and shall not be disclosed except in certain circumstances. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Discussion? Senator Luechtefeld. If there are -- any discussion? If not, the question is, shall Senate Bill 345 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On this issue, there are 54 voting Aye, none voting Nay, none voting Present. And Senate Bill 345, having received the constitutional majority, is declared passed. Senator Luechtefeld.

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SENATOR LUECHTEFELD:

Thank you, Madam President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR KARPIEL)

What is your point?

SENATOR LUECHTEFELD:

In the gallery behind the Republican Senate are the grade school group from Red Bud, Illinois, and their teachers are Mrs. Wiegard and Mr. Ringering. Would like to have them stand, if they would, and recognize them.

PRESIDING OFFICER: (SENATOR KARPIEL)

Welcome to the Senate. All right. Senate Bill 350. Senator Jacobs. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 350.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Jacobs.

SENATOR JACOBS:

Madam President, in the interest of cleaning up the Calendar, I ask this bill be -- re-referred to Rules.

PRESIDING OFFICER: (SENATOR KARPIEL)

You've heard the motion. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the bill shall be so referred. Senate Bill 356. Senator Parker. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 356.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Out of the record. Senate Bill 358. Senator O'Malley. I'm sorry, Senator O'Malley. That was on recall today. Senate Bill

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366. Senator Parker. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 366.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This is merely a bill to clean up on technical things that we needed to help for 522 last year, as far as our bill with adoptions and trying to speedup adoptions. There were some technical changes we needed to make. There is another issue that we are trying to address, as far as defining "egregious." We will work with that in the House to see if we can come up with some understanding or some language that we feel will be appropriate for this issue. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR KARPIEL)

She indicates she will.

SENATOR HAWKINSON:

Senator, on that last point, I understand that you're committed to bringing this bill back to the Senate, so even if you don't reach an agreement in the House on language defining "egregious," over which there's a lot of concern, you will amend it as least with a technical amendment so that it does come back to the Senate. Is that correct?

PRESIDING OFFICER: (SENATOR KARPIEL)

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Senator Parker.

SENATOR PARKER:

Yes, I will do that.

PRESIDING OFFICER: (SENATOR KARPIEL)

No further discussion, the question is, shall Senate Bill 366 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On this question, there are 56 Ayes, none voting Nay, none voting Present. And Senate Bill 366, having received the required constitutional majority, is declared passed. Senator Lauzen, on Senate Bill 374. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 374.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. Senate Bill 374 came out of Revenue Committee with a unanimous vote. It's my understanding that when a businesses leases computer equipment, they pay sales tax up front, but when they take out an installment loan for the equipment, they pay sales tax on the monthly payments as they're made. Under the concept of tax fairness, treating all taxpayers with similar circumstances the same would mean that we ought to bring these two into the same treatment. So I would just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 374 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who

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wish? Have all voted who wish? Take the record, Madam Secretary. On this question, there are 54 Ayes, 1 voting Nay, none voting Present. And Senate Bill 374, having received the required constitutional majority, is declared failed -- I mean, passed. Sorry, Senator Lauzen. Senate Bill 381. Senator Fawell. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 381.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This provides if a person who files a frivolous lawsuit against the State and Department of Corrections, Prison {sic} Review Board or any of their employees, the prisoner shall be responsible for the costs of the lawsuits and a deduction will be made from the prisoner's account to pay for the costs. This is modeled after an Arizona Statute. The judge or the persons in charge must declare that it is a -- was a frivolous lawsuit. In Arizona it cut the number of prisoner lawsuits by fifty percent in one year and the state attorney general in that state expects the reduction to be reduced by eighty percent. Be glad to answer any questions and...

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall Senate Bill 381 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. Senate Bill -- on this question, there are 52 Ayes, none voting Nay, none voting Present. And Senate Bill 381, having received the required constitutional majority, is declared passed. Senate

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Bill 404. Senator Garcia, for what reason do you rise?

SENATOR GARCIA:

For point of personal privilege.

PRESIDING OFFICER: (SENATOR KARPIEL)

State your point.

SENATOR GARCIA:

My button on that last bill was malfunctioning. If I would have been -- if it would have functioned correctly, I would have been recorded as voting in favor.

PRESIDING OFFICER: (SENATOR KARPIEL)

The record will so show. Senate Bill 404. Senator Smith. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 404.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Smith.

SENATOR SMITH:

Thank you, Madam President. And I think -- isn't there an amendment on this -- been put on this bill?

PRESIDING OFFICER: (SENATOR KARPIEL)

The bill is amended and it is on 3rd Reading.

SENATOR SMITH:

It is on 3rd Reading. Okay. Thank you. The only thing I want to say is that the -- this is the public information campaign for the Department of Public Health, this Bill 404, and its proponents... Madam Chairman, I thought it was another amendment. Yesterday they put an amendment on it in committee, and it has to go through Rules, I think, before I can... Do you have... It's Amendment No. 2. So, take it out of the record for today, please.

PRESIDING OFFICER: (SENATOR KARPIEL)

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Out of the record. Senate Bill 406. Senator Rauschenberger.
Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 406.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 406 is an effort by the Illinois Retail Merchants to deal with the issue of checks being mailed to people, sometimes without identification, sometimes from applications that are actually from stolen or missing or lost deposit slips. It's an effort to try to regulate check mills that will provide checks to almost anyone. It's somewhat of a problematic bill because enforcement of this bill is difficult. The proponents are working together with the opponents and expect to be able to amend this and further refine it in the House. It's -- bill's got great intent. It's got a few concerns from the enforcement point of view. There's a commitment by the two parties to deal with it in the House. I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR KARPIEL)

Well, if there's no further discussion -- Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR KARPIEL)

Indicates he will.

SENATOR HENDON:

Steve, could you tell us who the opponents are?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Rauschenberger.

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SENATOR RAUSCHENBERGER:

The opponents are mostly Deluxe Check Printers and a couple of other out-of-state -- the kind of people that you find in the newspaper inserts on Sunday that you -- you know, checks by mail. Those are the people that are basically concerned that -- that -- the way we do this regulation is actually -- that they can work with on a positive basis, 'cause we'd like to maintain that access of low-cost checks, but by the same token, we'd like to narrow or limit the amount of fraudulent checks that are being ordered. I know of no domestic, Illinois opposition.

PRESIDING OFFICER: (SENATOR KARPIEL)

If there's no further discussion? The question is, shall Senate Bill 406 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 this question, there are 56 Ayes, none voting Nay, none voting Present. And Senate Bill 406, having received the required constitutional majority, is declared passed. Senator Fitzgerald, on Senate Bill 423. Senator Bill 431. Senator Hawkinson. Senator Bill 435. Senator Butler. Senator Bill 438. Senator Parker. Senator Bill 444. Senator Halvorson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 444.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Madam President and Members of the Senate. Senate Bill 444 is a good bill for our senior citizens. This is a bill initiated by one of my constituents, and it's designed to give

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families who are checking their parents into a nursing home more information. This bill would change the law by requiring a new form which would clearly explain to families what might happen to their parents in the future. The form would just simply explain that the nursing home patient could possibly be discharged if the patient goes from private-pay to Medicaid status. There is no opposition to this bill as it's been amended, and I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

A couple of questions of the sponsor, if she'll yield.

PRESIDING OFFICER: (SENATOR KARPIEL)

Indicates she will.

SENATOR RAUSCHENBERGER:

Senator Halvorson, would this bill apply to facilities that are strictly private-pay? I'm a little concerned about the application.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Halvorson.

SENATOR HALVORSON:

No, this -- this applies to both. All it's saying is that right now there's this huge contract that they go through and -- and they just sign, and in their confusion, they're not sure that if their private money runs out, that there will be a place for them under Medicaid status.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, I guess the question that comes back from the industry is, if a nursing homes runs a facility that's strictly private-pay - okay? - does not take -- does -- will this bill apply to them?

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PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Halvorson.

SENATOR HALVORSON:

Well, it applies to them, but then they'll understand what will happen to them when they're private pay runs out, 'cause then the...moved.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, do you know what roughly the difference is and rates are between a Medicaid and a private-pay? Is this -- are we attempting to -- to permit the discharge of -- of private-pay in favor of Medicaid? I mean, are we attempting here to force universal access for Medicaid? In other words, a Medicaid facility wouldn't be permitted to -- or a non -- a private-pay facility wouldn't be permitted to not have Medicaid patients?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Halvorson.

SENATOR HALVORSON:

No. It's -- if it's a private-pay, it's a private-pay. All this is doing is informing the person when they check someone into the nursing home, what's going on about that, because there are only -- when you have both private-pay and Medicaid status, there are only sometimes limited Medicaid spaces.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

One last question. I appreciate the sponsor's help. Would -- would this mandate, in any way, on a private-pay nursing home the responsibility to make alternate arrangements or to provide any kind of help or -- or redirection of the patient in case there wasn't a next of kin or the patient was not capable of -- of

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making their own arrangements?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Halvorson.

SENATOR HALVORSON:

Absolutely not.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Donahue.

SENATOR DONAHUE:

Well, thank you, Madam President. I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR KARPIEL)

Indicates she'll yield.

SENATOR DONAHUE:

Senator Halvorson, how does this -- how does this bill differ from what current law really is today?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Halvorson.

SENATOR HALVORSON:

Well, most people are told but it's in conjunction with a huge contract. This is just to clarify the law for a few people that possibly were not told or who might not understand what could happen in this stressful time.

ACTING SECRETARY HAWKER:

Senator Donahue.

SENATOR DONAHUE:

I can -- I can appreciate that, but under our law today, we -- Section 45/2-202, it does say that "Before a licensee enters a contract under this Section, it shall provide the prospective resident" or guardian - if there is one - a "written notice of the licensee's policy regarding a discharge of a resident whose private funds for payments of care are exhausted." Unquote. That's quoted from the Statute and the Section. So I'm not sure

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how this bill -- what it's really doing except duplicating what we already have in the bill -- or, in the law.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Halvorson.

SENATOR HALVORSON:

What this is doing is that at the time of admission or at contract renewal time, explaining that.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Donahue.

SENATOR DONAHUE:

I'd just simply say that's -- at the contracting time is when this Section of the law that exists today kicks in. So, I mean, I don't know what your bill does that's any different than what we've already said in Illinois and what this Body has already passed.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Dillard.

SENATOR DILLARD:

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

PRESIDING OFFICER: (SENATOR KARPIEL)

Indicates she will.

SENATOR DILLARD:

Senator Halvorson, what's the position, if you know it, of the Illinois Department of Public Health?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Halvorson.

SENATOR HALVORSON:

Well, through the series of amendments, they are for it, as are all the other nursing homes.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dillard.

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SENATOR DILLARD:

...President, I couldn't hear. They're in favor of it now, as amended?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Halvorson.

SENATOR HALVORSON:

Yes, they are, Senator.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dillard.

SENATOR DILLARD:

And how many individuals annually would require this form being given to whoever is going to pay their -- their bills in a private situation? How many people are we talking about each year?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Halvorson.

SENATOR HALVORSON:

I don't have an exact number, but if it helps one or two people in a stressful situation, I don't think that it's going to take more than two minutes to explain what could possibly happen to them.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dillard.

SENATOR DILLARD:

And does it now require -- your bill require the printing of more forms and more paperwork? Is that what this does?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Halvorson.

SENATOR HALVORSON:

No, it doesn't, Senator.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dillard.

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SENATOR DILLARD:

I'm unclear then. How would somebody know what happens to them if their private money runs out? Do they -- are they told orally, or are they given some kind of written document?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Halvorson.

SENATOR HALVORSON:

It's both, but it's orally done. Instead of just something put in front of them with a number of things in it, this is just orally done, and then it's a form that's signed that's already there that they can just put in the file.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dillard.

SENATOR DILLARD:

I guess one last question, Madam President. And one of the things I worry about is that -- and I just want to make sure from the sponsor. This bill in no way, then, would allow a nursing home to literally kick a senior citizen resident out on the street if their private money ran out?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Halvorson.

SENATOR HALVORSON:

No, Senator.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President and Members of the Senate. I, too, rise in support of this bill, and I'm a little puzzled by the debate. In looking at the analysis, not only does the Nursing Home Association, the Health Care Association, AARP, Senator Donahue, Senator Syverson, Senator Parker, Cronin, Mahar, Smith, Garcia, Obama and Rea support it unanimously in committee when it

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was voted upon, to my knowledge, there is no opposition. So I'm not certain why we have all the debate. The -- the homes affected have come in support of it. AARP obviously isn't shy about voicing their support or opposition. They're in support. Health Care Association's in support, and some who are raising the questions today voted Yes. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. A question of the sponsor, if I might, please.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Halvorson. Senator Maitland.

SENATOR MAITLAND:

Thank you, Madam President. And with all due respect to the previous speaker, Senator, three of the previous speakers over here have sponsored most of the nursing home legislation over the years and we do have some legitimate questions for clarity, and so that's the purpose of the questions from -- from this shop over here. Let me -- let me ask a hypothetical, and you, I think, partially answered my question in responding to Senator Dillard. But just assume, for a moment, that I have a grandmother in a nursing home, and she is a private-pay individual. The nursing home has a policy - it may be in the contract or not - but has a policy that they'll have X number of beds for public aid and X number of beds for private-pay. After two years, my grandmother goes on public aid and there are no public aid beds available in the nursing home. What would be the effect of that situation, if I might ask the question?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Halvorson.

SENATOR HALVORSON:

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My bill has absolutely no affect on that situation whatsoever. It would not change from what was previously done. This bill only says you must explain to the person the situation. They just need to understand -- there's been several instances in my district, in a nursing home, that they did not understand the process.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Maitland.

SENATOR MAITLAND:

Well, and I guess, not being argumentative, I think we believe that that -- that part is already the law and trying to -- maybe trying to read into something here -- more into your bill than -- than really is. And what we are doing, perhaps, is reenacting existing law?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Halvorson.

SENATOR HALVORSON:

We're not reenacting anything. We're clarifying the law.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Maitland. All right. Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I, too, am a little bit miffed here at the discussion. It appears to me that all we're doing with this bill - and, Senator, correct me if I'm wrong - we're just saying that you have to notify the patient of what can happen if, in fact, their private-pay money runs out. Nothing else changes. This is only notification so that the -- the patient knows what is going to happen to he or she if, in fact, their -- their private-pay money runs out. Is that correct?

PRESIDING OFFICER: (SENATOR KARPIEL)

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Senator Halvorson.

SENATOR HALVORSON:

Yes, Senator, that is correct.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Jacobs. Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Madam President. You know, you folks ought to be ashamed of yourself. You know, we're -- we're down to the last -- day before the last day of adjournment. This bill isn't going to defeat -- or, it's not going to win an election for the Senator. Let's just vote it Aye and get it out of here. No one's opposed to this bill. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Madam President and Ladies and Gentlemen of the Senate. I'd like to just reiterate here that the Senate Bill No. 2 -- or, the amendment becomes the bill and makes the technical changes in the bill, as amended by the Amendment No. 1. And No. 2 is a recommendation of the Department of Public Health, then Public Health and the Illinois Health Care Association is neutral on the bill. In committee, the bill came out 10 to nothing. Every one of the Members of that Committee on Welfare voted Yes for the passage of this bill to come out of committee. And so I don't see any reason why we can't all vote Yes and get the bill out. Thank you, very kindly.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR KARPIEL)

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She indicates she will.

SENATOR BURZYNSKI:

Thank you. I'm just kind of curious and I haven't read through the entire analysis yet, but what is the penalty that's provided for if they don't have a form like that? Is there a penalty provided in the legislation?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Halvorson.

SENATOR HALVORSON:

Not in this legislation, no.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Burzynski.

SENATOR BURZYNSKI:

Well, as a follow-up, what I'm hearing is, it's already current practice or supposed to be current practice according to law. Do you know if there's a -- a current penalty?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Halvorson.

SENATOR HALVORSON:

No.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Burzynski.

SENATOR BURZYNSKI:

No further questions. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

All right. If there is no further discussion? Senator Halvorson, to close.

SENATOR HALVORSON:

Thank you. I appreciate all the concern, but I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

The question is, shall Senate Bill 444 pass. Those in favor

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will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 32 Ayes, 10 voting Nay, 4 voting Present. And Senate Bill 444, having received the required constitutional majority, is declared passed. On page 7, the top of page 7, -- Senate Bill 457. Senator Parker. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 457.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 457 amends the HMO Act to provide that enrollees who are residents of a retirement facility consisting of a long-term care facility and residential apartments may be referred to that facility's long-term care facility, even though the facility is not part of the health maintenance organization network. And this passed out of the Insurance and Pensions Committee unanimously. I would ask for a favorable vote and answer any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any further discussion? If not, the question is, shall Senate Bill 457 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On this question, there is 52 voting Aye, none -- 1 voting Nay, none voting Present. And Senate Bill 457, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR BUTLER:

For a correction, please. I was so enthralled with the St. Joseph rose that I was just given, that when Senator Fitzgerald reached over to punch my button, he punched the red instead of green. So I'd like the record to show that I would have voted Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

The record will so indicate your intent, Senator Butler. Senate Bill 467. Senator Burzynski. Senator Burzynski on the Floor? Senate Bill 483. Senator Walsh. Senate Bill 521. Senator Jones. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 521.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. Senate Bill 521, as -- as amended, prohibit a person who may be a witness in a criminal prosecution from selling his testimony for a fee until that defendant has been tried by a court without a jury or a decision rendered by a -- a court with a jury, if the -- if the -- if the defendant is to be tried by a jury. It provides that the prohibition does not apply to expert witnesses, investigators, law enforcement employees, attorneys, informants and persons employed by the news media outlet or witnesses and mileage fees as proscribed by Statute of the Supreme Court. What this bill does is try to protect the integrity of the court system and the judicial process. The American Judicial System is dependent upon voluntary participation of its citizens, both as witnesses and as jurors. But when that

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-- when that participation is linked to cash, such as the O. J. Simpson case, such as the case that is now before the court in Colorado, the whole system becomes tainted. That's the thrust of the bill is to keep the integrity of the system to protect the defendant's rights, to protect the rights of the system so we can have a fair and equal trial for everyone who is accused. There has been some concerns raised as it relate to the motion picture industry. We will probably have to amend this bill even further. But that's what the bill does, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I rise in support of Senate Bill 521. There is need for an amendment in the House that the sponsor has agreed to, to clarify that actions by prosecutors would not be prohibited or impacted by this bill, and he's agreed to amend it in the House. And I support what he's trying to do.

END OF TAPE

TAPE 3

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? If not, the question is, shall Senate Bill 521 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 521, having received the required constitutional majority, is declared passed. Senate Bill

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522. Senator Watson. Senator Watson on the Floor? Senate Bill

549. Senator Hawkinson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 549.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This bill's sponsored by myself, Senator Shadid, Senator Madigan, now by Senator Clayborne and Senator Watson. It is designed to try and be part of an incentive package to entice DHL World Wide Express to Illinois. There are two Illinois sites in the running, the greater Peoria Airport is who brought this legislation to Senator Shadid, Madigan and myself. But also Scott Air Force Base is still one of the contenders among four other contenders for this site. This is designed to amend the Sales Use Tax Act to create an exemption for aviation fuel for use or consumption in the operation of an air cargo transportation hub located either within a enterprise zone or a federal air force base with a ten-year sunset. Obviously, if one of the sites is not successful in attracting this hub to Illinois, the bill will be of no affect. But we think it will be a useful tool in leveling the playing field to try and attract seven hundred and fifty jobs, and over thirty-five million dollars in investment to Illinois. Be happy to answer any questions, otherwise ask for an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President. I -- as -- as the sponsor said, I rise in support of this. We believe that this will be very

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beneficial to -- for the maintaining of the Scott Air Force Base if they are chosen -- if our area is chosen to help that base stay open and to generate jobs for that area along with the expansion of -- of the MetroLink. And -- we -- I, along with the sponsor urge an Aye vote on this.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you -- thank you, Mr. President. I have enormous respect for the sponsors of the legislation and I certainly respect the intention of what we're trying to do of providing, in this individual circumstance, more jobs paying higher wages. However, I would mention the concerns that what we should be doing in Illinois is providing a climate so that all towns can compete, all industries, so that all of us have access to these kinds of higher paying jobs. All kinds of complexities, if we make an exception here who will be the next to come and get an exemption from sales tax. I think that it's -- it's a good intention, unfortunately it -- it perhaps is too narrowly defined, benefits just one group. As a matter of fact, you might have seen where UPS has recently converted its planes that are cargo carrying right now to passenger carrying for the weekends. I think that this gets us into some suit that we have stayed away from over the last three-four years of giving specific incentives for jobs by making the whole environment in Illinois one where businesses want to expand their investment. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President. I, too, rise in support of this bill. I certainly understand Senator Lauzen's position, but I think that we need to continue to think up innovative ways of

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retaining what we have and expanding on what we have in the area of -- of Scott Air Force Base. They're going to be looking at air bases again for the possible of closure. We have the Metro-Link going out to Mid-America Airport and I think it is significantly important that we at least address this and make -- create the opportunity for retention at these jobs and expansion of the jobs. And I would certainly support Senator Hawkinson in his efforts to get a positive vote on this issue. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR HAWKINSON:

Thank -- thank you, Mr. President. And I appreciate the -- the support of those who have spoken. Just briefly to Senator Lauzen's concerns, the past two years we've passed many measures with my support to improve the business climate in Illinois. I think we have improved the business climate in Illinois. We're a relatively low tax State. The problem is we have two sites that are competing for seven hundred and fifty high paying jobs with a facility in Cincinnati. Fuel costs are more expensive in Illinois than they are in Cincinnati. This is an attempt to -- to level the playing field so we can attract those seven hundred and fifty jobs to Illinois and I would urge your Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 549 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, 4 Members voting Present. Senate Bill 549, having received the required constitutional majority, is declared passed. Senator Dillard, for what purpose do you arise sir?

SENATOR DILLARD:

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Thank you, Mr. President. Just a point of inquiry. I notice that a number of our colleagues today are celebrating Illinois Agriculture Legislative Day, and eating these wonderful lunches provided by the farmers of the State of Illinois. And I'm just curious if I give this to my child and they go to a home day care center, would I be arrested under Senator Fitzgerald's bill from yesterday?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard, you have no children. Senate Bill 557. Senator Cronin. Read the bill, Madam Secretary. I am sorry -- I am sorry, it's on a recall list. Senate Bill 568. Senator Watson. Senate Bill 570. Senator Karpziel. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 570.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 570 is an issue that's been around for awhile, ever since the collar counties and now Cook County and other counties have been capped, but it's been around for awhile. And what it does is that it provides the EAV that's used to calculate the school aid formula shall be reduced for school districts under the tax cap by the difference between the total property tax actually extended by the district and the total tax they could have extended had the tax cap not been in place. It contains a hold harmless for districts negatively affected by the change and -- and an amendment was put on in committee that requires a separate appropriation as required -- that they will -- get there State aid through the appropriated

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amount. That's what it does.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 570 pass. Those in favor -- I'm sorry. Senator Demuzio, I did not see your light.

SENATOR DEMUZIO:

Thank you, Mr...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio.

SENATOR DEMUZIO:

If -- I'd like to pose a question to the sponsor, if I might? Senator, the -- what you're attempting to do here is to capture the growth in those areas where there are tax caps above -- above the cap for access to the formula, but you're doing so by -- by suggesting that you will do that, but you will then determine what that amount is and come in for a separate appropriation. Is that right?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpziel.

SENATOR KARPIEL:

I think so. I'm not sure we understand the question, but I think so.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio.

SENATOR DEMUZIO:

Well, then perhaps you might tell me what you are doing. I understand the separate appropriation point, but what's the subject of the bill? I thought it was that you were attempting to use whatever the growth is above the tax cap in those areas where there are tax caps for access to the formula for more money, but in doing so, that whatever that amount is that you will come in with a separate appropriation for, that's the way I understood it.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpziel.

SENATOR KARPIEL:

All right. Well, the way it works right now. It's -- we call this the double whammy. In counties that are capped -- in counties that are capped, the way the State Aid Formula works now, as your -- as your counties -- as your EAV goes up, your State aid goes down, under the State Aid Formula. But in the taxed counties, if your -- if your assessed valuation goes up by say eight percent, but the cost of living is only three percent, you're only -- that district is only able to access that three percent, but yet they lose State aid based on the entire eight percent that the EAV went down. And that's what the bill -- the basic bill does. Now Senator Berman put on an amendment to say that this money -- instead of reallocating the formula the money will come out of a separate appropriation.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio.

SENATOR DEMUZIO:

And what do you estimate that -- that amount would be if this bill were to be law today?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpziel.

SENATOR KARPIEL:

I -- I really have no specifics. A rough estimate is somewhere around fifteen million.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I think it was twenty-one million last year. So my guess is it's probably higher than that this year? What would happen if all of the counties then went to tax caps? Well, let's put it

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this way, those counties that are not and haven't gone to tax caps are going to have some impact -- are going to be impacted by this bill, are they not?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpiel.

SENATOR KARPIEL:

All the counties that are -- that will be capped will -- will be impacted by this bill, and when -- if eventually all the counties go to tax caps there's no need for the bill and it will be moot.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

I -- I think I'm going to rise in opposition to this bill. This -- this says is that we are -- for those counties who wanted their taxes capped and many of them were in the northern part, they got exactly what they wanted. Then during the campaign for Governor, during the last period of time, there were those school districts in the -- in the more wealthy districts who -- who had indicated that they could have more money and get more access to the formula if they were afforded the opportunity to come back in by utilizing the growth above the cap. And so, that estimate last year was around twenty-one million. I don't know what this bill calls for now, even though it's a separate appropriation which probably would never pass. My guess is it's probably around twenty-eight million dollars. I don't think I'm prepared to do that today.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR KARPIEL:

Thank you, Mr. President. Well, I just want to say that

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originally the tax caps were put onto the -- all the collar counties. I know that some people say that -- that this issue was a part of that debate and that everyone knew about it, I was around at that time and I don't remember that. I'm not saying it's not true, but I'm just saying I don't remember it. And it's become quite a -- quite a problem in counties that are capped. And let me just read off the -- the -- the names of the counties that have now got tax caps and if you haven't -- your county -- your school districts haven't been impacted this year, they certainly will next year and the years after that, now that you have caps. That includes all of the collar counties, and we all know what they are, it includes Cook County. It also includes Boone, Champaign, Christian, Franklin, Jackson, Kankakee, Lee, Logan, Macoupin, Menard, Monroe, Morgan, Randolph, Sangamon, Schuyler, Williamson and Winnebago. All those counties now have caps and there will be a question on the April 1st ballot in Adams, McDonough, McLean, Shelby and Stephenson. Also on April 1st they will be voting on a referendum to cap their counties. So if you represent any of these counties that I've mentioned believe me your school districts will be having a problem with this issue if this bill doesn't pass. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 570 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 33 Ayes, 19 Nays, no Members voting Present. Senate Bill 570, having received the required constitutional majority, is declared passed. Senator Demuzio, for what purpose do you rise, sir?

SENATOR DEMUZIO:

Seek verification.

PRESIDING OFFICER: (SENATOR MAITLAND)

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That request is in order. Senator Demuzio has requested a verification of the affirmative roll call. Will all Members be in their seats. Madam Secretary, read the affirmative votes, please.

ACTING SECRETARY HAWKER:

The following Members voted in the affirmative: Berman, Burzynski, Butler, Carroll, Cronin, DeLeo, Dudycz, Farley, Fawell, Fitzgerald, Geo-Karis, Halvorson, Hendon, Karpiel, Klemm, Lauzen, Link, Mahar, Molaro, Obama, O'Malley, Parker, Peterson, Radogno, Rauschenberger, Sieben, Smith, Syverson, Viverito, Walsh, Weaver and Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR DEMUZIO:

Senator Watson.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson on the Floor? Senator Watson on the Floor? He's in -- he didn't vote, Senator Demuzio.

SENATOR DEMUZIO:

Well, I -- I wasn't asking that question, I just wanted to know... Senator Cronin?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin is in his seat.

SENATOR DEMUZIO:

That's enough.

PRESIDING OFFICER: (SENATOR MAITLAND)

On a verified roll call there are 33 Ayes, 9 {sic} (19) Nays, no Members voting Present. Senate Bill 570, having received the required constitutional majority, is declared passed. Top of Page 8 is Senate Bill 574. Senator Obama. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 574.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senator 574 is a good bill for local governments by removing minor cases from an often overburdened court docket. This bill permits municipalities across Illinois to enforce all civil Municipal Code violations through a system of administrative adjudication as an alternative to court prosecution. This bill will help protect public safety and welfare by expediting the prosecution and correction of Municipal Code violations. It'll also help with issues such as broken windows and small problems that effect the quality of life in the community. I know of no opposition to the bill. It passed out of committee unanimously, and I would urge a favorable roll call. Thank you very much.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you -- thank you, Mr. President. Will sponsor yield for question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, we have ongoing discussions and a shell bill moving on the subject of "P-Tickets" and you're familiar with what those are. This bill doesn't impact on that subject at all, does it? It just affects currently valid municipal ordinances?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Obama.

SENATOR OBAMA:

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That is correct. It has no impact at all on the "P-Ticket" issue.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

I can't -- I didn't get -- quite get from your explanation just exactly what you're allowing the municipalities to do to help out in those cases of small infractions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Obama.

SENATOR OBAMA:

What -- what'll be allowed now -- we already have a system whereby municipalities can use the system of administrative adjudication to process minor building violations, code violations and so forth. Although this does not include traffic citations which are dealt with entirely separately. The problem is, apparently, that there are no enforcement powers -- no enforcement mechanisms to give these administrative adjudication processes some teeth. And so as a consequence, people are ending up not really using the administrative adjudication system that's already been set up. Instead they continue to simply overburden the courts. And so one of the concerns in terms of court watchers, as well as the Chief Judge in Cook County, is -- is that they can't use them unless administrative adjudication process actually has some teeth so that we can actually start processing these through administrative hearing process.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Geo-Karis.

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SENATOR GEO-KARIS:

Does this apply statewide or just to Cook County?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Obama.

SENATOR OBAMA:

It -- it applies statewide, but it is optional. So the municipalities can choose to -- to adopt this -- this type of system, but there's no requirement whatsoever that they do so.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? 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:

I hate to admit this, I got a letter from my Chief Judge, Judge Galasso. Has he written to you at all about this bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Obama.

SENATOR OBAMA:

He has not discussed it with me at all. Again, we have had no commentary either pro or against other than the proponents of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Senator Obama, to close.

SENATOR OBAMA:

As I mentioned earlier, I think this is a good bill. It relieves an overburdened court process. There may be some lawyers who aren't entirely happy with it, but I -- I, as a lawyer, think actually that we need to get to the important cases and -- and be able to deal with these through administrative adjudication process. I'd ask for a favorable roll call, please.

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PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 574 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 574, having received the required constitutional majority, is declared passed. Senate Bill 593. Senator -- Senator Collins, for what purpose do you arise?

SENATOR COLLINS:

Thank you, Mr. President. I -- I was off -- detained off the Floor when Senate Bill 570 was called for a vote, and had I been on the Floor I would have voted in the affirmative, and I'd like the record to show.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins, the record will so indicate your intent. Senate Bill 593. Senator Peterson. Senate Bill 599. Senator Donahue. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 599.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 599 is a part of a package put forth by our Attorney General, Jim Ryan. And what Senate Bill 599 does, it amends the State Finance Act, Consumer Fraud and Deceptive Business Practices Acts. And it provides that if a person engaged in an unlawful practice under the Consumer Fraud Act and the victim is at least sixty-five years of age, the court may impose an additional civil

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penalty not to exceed ten thousand dollars for each violation. Under Committee Amendment No. 1, this also provides that fifty percent of the monies deposited in the Elder Victims Fund will be used to investigate and prosecute these cases. And fifty percent of it will be used for statewide education of initiatives to inform the elderly persons. And I would ask for its favorable roll call, and answer any questions if need be.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 599 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 599, having received the required constitutional majority, is declared passed. Senate Bill 605. Senator Madigan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 605.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President and Members of the Senate. Senate Bill 605 is simply a vehicle for whatever agreement comes out the discussion between the nurses, the doctors, the hospitals, the Department of Professional Regulation, insofar as any changes that may be made in the Nursing Act. And I would ask for its approval, move it over to the House, and hold it for whatever agreements come out of those discussions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the

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question is, shall Senate Bill 605 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 605, having received the required constitutional majority, is declared passed. Senate Bill 608. Senator Madigan. Senate Bill 626. Senator Demuzio. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 626.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President. This bill is sponsored by myself and Senator Maitland, and Sieben, and O'Daniel. This deals with the Cooperative Extension Service. It does provide for an annual appropriation from the Ag Premium Fund. There are different discussions that are still continuing. The last amendment that went on changed the effective date from July 1st of this year to July 1st of 1998. I know of no known opposition, and would ask for your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 626 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 54 Ayes, no Nays, no Members voting Present. Senate Bill 626, having received the required constitutional majority, is declared passed. Senate Bill 645. Senator Clayborne. Senator Clayborne on the Floor?

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

SECRETARY HARRY:

Senate Bill 658.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. What we have in Senate Bill 658 is an attempt to make operating business in Illinois providing employment a little bit easier. Basically, right now, we have two very strange, complicated systems of -- how we define independent contractors. On the one hand we have the State standard out of the Illinois Department of Employment Security, and then on the other hand we have the IRS's. What this does is rather than having two confusing systems we would just go to the Internal Revenue Service description, which is one confusing system. I don't want to defend one or the other, but it does take two pieces of confusion and just make it one piece of confusion, so it's a little bit easier to employ people in Illinois.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Garcia.

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Garcia.

SENATOR GARCIA:

Senator Lauzen, through this bill, will we now have two definitions or three definitions of what an independent contractor is?

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Lauzen.

SENATOR LAUZEN:

It's neither. Right now, we have two and it would go to one.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

I see in my analysis and some of the discussion in committee, Senator Lauzen, related to how this bill impacts several other State Statutes and Acts, such as the Human Rights Act, Personnel Record Review Act, the Minimum Wage Act, and a list of others. Can you tell us what significance this bill has on those Acts?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen.

SENATOR LAUZEN:

Yes. Yes, thank you very much for that question. Basically, the definition of "employee" runs through so many areas of the Code and all this provision does is make it -- makes it consistent in all of those Acts, to the one.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

What may happen to this bill to the -- the intent of this bill, or to the implications of it, should court rulings decide differently than this bill, should this bill become enacted?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen.

SENATOR LAUZEN:

I'm under the -- it's my understanding that once this becomes law that the judges would uphold it in Illinois. What it basically is, is a simplification of our lives. It's good old fashion common sense that if you have two things that are hurting you, if you combine just one thing that's hurting you, it's

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better.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

To the bill: I rise in opposition to this bill, because while the stated goal of the sponsor seems to be a good one that has some merit or at least sounds -- sounds to be like a good proposal, we're concerned, and that's why labor is very strongly opposed to this bill, that it could result as a consequence of changing the standard designated for independent contractors in employers seeking to take advantage of the new leeway that they will have and to classify more individuals as independent contractors, thereby jeopardizing or resulting in the loss of unemployment insurance benefits and worker compensation benefits to workers in the State of Illinois. Therefore, I would urge a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, unless you've dealt with some of these cases in independent contracts, as an attorney, the one that is the final arbiter is to whether that contract is of an independent contractor or is it of labor, the one who determines that is the IRS. What this bill, does -- says the final arbiter is the IRS. No matter what your labor contracts may do or say, and what we may think, the IRS is the one that determines whether it is a case of an independent contractor or the case of an employee. So I urge a favorable consideration of this bill because let's not kid ourselves if the IRS says that they're not, they're not, no matter how we can stand up on our heads. So I support this bill and I ask everyone to vote for it.

PRESIDING OFFICER: (SENATOR MAITLAND)

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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 he will yield, Senator Jacobs.

SENATOR JACOBS:

Let me preface my question with the fact that I know we've had a number of dealings in my office, even with the State of Illinois, with some of the people that they deal with in Corrections to where the IRS is saying, yes, you are an independent -- you -- "You are not an independent contractor," and the State's saying, "Yes, you are an independent contractor." And it appears to me that it's very confusing. And, you know, even though I know that our good friends from labor are opposed to this, I guess my real question comes as to why? And I know that Senator Garcia made some comments to this. I know no one from labor has contacted me on this piece of legislation, that I'm aware of or that I remember, and it appears to me that if you know, if you have one item that tells you what should or should not be a independent contractor, then that should make it better. I -- I agree with that premise. I -- I still am a little concerned, I guess, as to whether or not Senator Garcia's remarks are correct, as to whether in your judgment this will allow it easier to make for independent contractors, and if that's your purpose, or whether it's your purpose just to get a clear and concise understanding of what an independent contractor may be with one body telling us instead of two and sometimes more than two.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Syverson.

SENATOR SYVERSON:

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Thank you, Mr. President. Just a -- a -- a question for the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Syverson.

SENATOR SYVERSON:

It's my understanding that the current problem is right now as an -- an employer is frustrated because there are different definitions of subcontractors. And if he follows the guidelines set up under workers comp versus unemployment versus Department of Revenue, if he -- if he follows one guideline and not the others, than he's hit with fines and penalties. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen.

SENATOR LAUZEN:

That can happen.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

SENATOR SYVERSON:

Second question, we're not changing what is existing law then, we're sticking with the current Department of Revenue definition of subcontractors. So that is not changing at all. So from those who are concerned that we're loosening the definition, this doesn't. That's -- this is just giving a standardized definition.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen.

SENATOR LAUZEN:

That's correct. Well said.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR LAUZEN:

Thank you very much. I don't think that it can be stated more

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eloquently than Senator Jacobs did. This is not -- the intent of this bill is not to make it easier to be a subcontractor. It's to make us one standard definition and it is the current law of the IRS. The White House Conference for Small Business a year ago in Washington, D.C., a delegation of many people from Illinois of all genders, all race, all political denominations, agreed that this was one of the top three concerns on their agenda. And our action today will advance forward making it more simple to do business in Illinois.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 658 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 34 Ayes, 20 Nays, 1 Member voting Present. Senate Bill 658, having received the required constitutional majority, is declared passed. Senate Bill 659. Senator Madigan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 659.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President and Members of the Senate. Senate Bill 659 is designed to address some changes in the Illinois Insurance Exchange. There is to be additional language on that bill as a result of ongoing discussions and -- and the hope would be that we'd send it over to the House and it'll come back with those changes for us to consider finally in the Senate. I'd be glad to answer any questions on Senate Bill 659, and otherwise would ask for its approval.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 659 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 659, having received the required constitutional majority, is declared passed. Senator Fawell, for what purpose do you arise?

SENATOR FAWELL:

For a point of information. I meant to vote for Senate Bill 658. I -- I neglected to push my button. I was so busy with the computer I forgot to. So I would like it so recorded.

PRESIDING OFFICER: (SENATOR MAITLAND)

The record will so indicate your intent, Senator Fawell. Senate Bill -- 667. Senator Madigan. Senate Bill 675. Senator Dillard. Senate Bill 677. Senator Jacobs. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 677.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 677 has two parts, both of them are permissive. The first part increases from three million to four million the amount of aggregate abatement for property of any commercial or industrial firm locating within a taxing district from another state, territory or country, during the immediately preceding year or newly created within the State during the

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immediate preceding year. And also adds that same abatement to any commercial or industrial property located in a taxing district with the intent of expanding a facility or its number of employees. The second part of the bill has to do with a property tax abatement for racetracks which is already in the bill. We had a request to remove the population guidelines on that, and that's what the other part of the bill does. I know of no known opposition and ask for your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 677 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 53 Ayes, 1 Nay, 1 Member voting Present. Senate Bill 677, having received the required constitutional majority, is declared passed. Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. I'm -- I move that we recommit Senate Bills 678 and 679 to the Rules Committee.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley has moved that Senate Bills 678 and 679 be re-referred to Senate Committee on Rules. Those in favor, vote Aye. Opposed, Nay. The Ayes have it, and the bills will be so referred. Senate Bill 680. Senator O'Malley. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 680.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

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SENATOR O'MALLEY:

Again, thank you, Mr. President and -- and Members of the Senate. Senate Bill 680 is a shell bill that deals with Banking, Savings and Loan, and Credit Union Acts. And what we are requesting, and by the way I've discussed this with my cosponsor, Senator Rea, who's the minority spokesman on the Financial Institutions Committee. This is a precautionary measure that in the event any specific legislation is needed it would be available in the pipeline, so to speak. I assure everybody here, and -- and I think we all know, that if this legislation moves to the House and comes back in some form, it will be reviewed by our committee and will be considered by the full Senate, should it get out of committee. I'd 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 680 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, 1 Member voting Present. Senate Bill 680, having received the required constitutional majority, is declared passed. Senate Bill 685. Senator Walsh. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 685.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR WALSH:

Thank -- thank you, Mr. President. Senate Bill 685 allows, upon approval of the Director, a -- a licensee to maintain a limited purpose branch for the sole purpose of extending credit.

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Limited purpose branch includes an automatic loan machine. No other activity shall be conducted at the site, but it's not limited to accepting payments, servicing the accounts and collections. 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 685 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, 2 Nays, 2 Members voting Present. Senate Bill 685, having received the required constitutional majority, is declared passed. Senate Bill 690. Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 690.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President and Member of the Senate. Senate Bill 690, as amended, incorporates into the Banking Act federally imposed limits upon the amounts of deposits which may be held by a single bank in any one State, and imposes safeguards to ensure that the requirements for non-Illinois banks seeking to enter Illinois, pursuant to the authority of the federal law, are not circumvented. The federal law at issue is the Riegle-Neal Interstate Banking and Branching Act which takes effect on June the 1st, 1997. I know of no opposition. If there's any questions, I'd be happy to try to answer them.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the

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question is, shall Senate Bill 690 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 54 Ayes, no Nays, 1 Member voting Present. Senate Bill 690, having received the required constitutional majority, is declared passed. Senate Bill 691. Senator Butler. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 691.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Butler.

SENATOR BUTLER:

Thank you very much, Mr. President. Ladies and Gentlemen, Senate Bill 691, to me, is essentially a question of the property rights of the individual owners of that -- of a piece of property, I should say, in relation to the installation of -- of cable television. I preface this by saying that the original bill has been stripped down so that it now applies only to manufactured housing park -- parks. It does not apply to any other kind of installation. And the fundamental argument is whether or not the property owner has any rights to dictate, or at least determine, the kind of installation that is made, when the installation is made and how it is made, and also whether or not he is going to be paid for it. The problem we've run into is that under current law, the -- the installer, the cable company, can come into a piece of property like a park and -- and put the cable installation any place they want, when they want it, where they want it, and then come back and decide whether or not there should be any compensation. And I guess it's something in own makeup that says that's not quite fair. The property owner ought to have

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some right to say when, where or how and how much, rather than just -- just get hammered on the head after the fact and be literally forced to make some kind of an agreement with the -- with the company, again, after the fact. So to me that's -- that's the way it boils down. Does a property owner have any right to determine how an installation will be made, when it is made and where it is made, and also whether or not that owner is justified to have some compensation? There's been a lot of conversation on this, we stripped down the bill because a lot of people got a little nervous. But I think now it's very clear. It's very, very clear exactly what we're talking about. And I would appreciate your -- your vote of support of -- of individual property rights.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I just rise in support and point out that in -- in trailer and manufactured home parks frequently it's the owner of the park who installs the gas lines and the electric lines to service the units. There's no JULIE, there's no registry of the underground utilities. It's a special case where it's important that the installation of cable be coordinated with the owner. So I would urge support of Senator Butler's bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? If not, the question is, shall Senate Bill 691 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 48 Ayes, 3 Nays, no Members voting Present. Senate Bill 691, having received the required constitutional majority, is declared passed. Senate Bill 699. Senator Rauschenberger. Senate Bill -- no. Senate Bill

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709. Senator Fitzgerald. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 709.

(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. Senate Bill 709 is just a vehicle bill amending the School Code, and I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 709 pass. Those in favor will -- 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 48 Ayes, 3 Nays, 2 Members voting Present. Senate Bill 709, having received the required constitutional majority, is declared passed. Senate Bill 710. Senator Fitzgerald. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 710.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President. Senate Bill 710 is an initiative of the Illinois State Bar Association. It was pointed out that there's a conflict between the Uniform Commercial Code and our Code of Civil Procedure, as to when the Statute of Limitations

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must be commenced for a promissory note. And the law in the Civil Procedure Code is ten years and currently in the Code of Civil Procedures it's six {sic} years. This would reconcile those two provisions by making the action must be commenced within ten years after -- after the note is matured or demand has been made. And there was no opposition, and the bill passed out on the agreed bill list, and I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 710 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 710, having received the required constitutional majority, is declared passed. Senate Bill 712. Senator Karpel. Senate Bill 713. Senator Dudycz. Senate Bill 730. Senator Fawell. I -- I beg your pardon. That was a recall. I beg your pardon. 737. Senator Fitzgerald. Senate Bill 737. Senate Bill 740. Senator Fitzgerald. All right. Senate Bill 747. Senator Fitzgerald. Read the bill. Mr. Secretary.

SECRETARY HARRY:

Senate Bill 747.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President. This is -- also is a vehicle bill amending the State Finance Act making technical changes, and I'd appreciate a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Is there discussion? Senator Severns.

SENATOR SEVERNS:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Severns.

SENATOR SEVERNS:

I understand you said it's a vehicle, but can you elaborate just a little bit more, wherever you, oh...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

SENATOR FITZGERALD:

Yes, Senator Severns. I've actually been working with Senator Carroll and he is going to have an amendment later today that is going to address how contracts are signed and who has to sign off on contracts in the State. We're going to, hopefully, get Senator Carroll's bills passed. We also wanted to have another vehicle out there if there are other things people think of during the Session, or come up in the House, on how we can tighten our procedures for signing contracts in the various departments.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Severns.

SENATOR SEVERNS:

Have you even considered some of the bipartisan recommendations of a blue ribbon committee on the Illinois Purchasing Act, submitted?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

SENATOR FITZGERALD:

Yes. That has been brought to my attention and I'm taking a look at that now. Frankly, just didn't have the time to get to it before the end of our bill deadline this week. That's why I wanted

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to have that out there. I'm sure there'll be something coming out that we could agree to.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? If not, the question is, shall -- shall Senate Bill 747 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 747, having received the required constitutional majority, is declared passed. Senate Bill 762. Senator Dudycz. Senate Bill 776. Senator Halvorson. Senate Bill 777. Senator Carroll. Senator Carroll. Senate Bill 778. Senator Karpziel. Senate Bill 781. Senator Parker. 781? Senate Bill 795. Senator Sieben. Senate Bill 796. Senator Dillard. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 796.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 796 creates the Offense of Custodial Sexual Assault for acts of sexual penetration or conduct between employees and prisoners in --in a -- in a situation where you essentially have a jail type or detention type of setting. The bill comes to this Chamber as an initiative of both the Illinois Department of Corrections and the John Howard Association. It is very similar to laws prohibiting sexual misconduct by correctional staff in thirty-two states, the federal government and in Canada. It's been extensively editorialized by the Tribune, the Sun-Times,

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the Daily Herald, the Bloomington Pantagraph, a number of papers throughout Illinois, that we need to do something, especially in light of a situation just recently reported a week ago of guard and inmate sex at the Dwight Correctional Center between female and -- female inmates and male guards at that particular penitentiary. I have worked extensively with AFSCME. They are neutral on the bill. We are still working with them to try to make sure that frivolous types of charges against guards by inmates is -- is -- is somehow written into the bill, that we will not have a situation where a guard would get frivolously charged with custodial sexual misconduct by an inmate. But AFSCME is neutral on the bill. It will probably leave here and be amended in the House to take care of AFSCME's concerns. But AFSCME is neutral. There's extensive amount of work by the John Howard Association and the Illinois Department of Corrections. And I'd be happy to answer any questions. But sexual misconduct is sexual misconduct whether it's in or out of penitentiary and this is long overdue.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Obama.

SENATOR OBAMA:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Obama.

SENATOR OBAMA:

Thank you. I just wanted to reiterate what my understanding, Senator Dillard, of -- of where the bill is at at this point, that, in fact, AFSCME and representatives of the -- of the guards are, in fact, in discussions; that they've got some serious concerns to make sure that both frivolous issues that -- that might be raised by an inmate are taken care of. And also that potentially, if there may be certain circumstances where there's consensual issues between inmates and -- and the guards, that even

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though there may be penalties in terms of losing your job that they might not be subject to criminal penalties. I know these are still being negotiated and I just want to urge you and -- and the sponsors of this bill to make sure that those -- those issues are, in fact, addressed.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. I -- Senator Obama just -- I wasn't going to rise on this, but he just said something about addressing the consent issue. And I think the consent issue is important to stay there instead of getting rid of it, because I think if you're a parolee, or probationer, or inmate, and you have someone in authority, that sort of vitiates your consent. It makes it very difficult to say no to a guard or someone in authority. So I think that keeping the fact that consent is not a defense is sort of important. So I -- I don't think you should amend that out.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. A few years ago several of the women legislators went down to Dwight and -- and got a chance to talk to some of the -- the prisoners. And, indeed, we did find that this is a problem in some cases. I agree with Senator Molaro. You know, it's a little hard not to consent if somebody's standing over you and he's -- and he's twice the size, and a guard on top of it all. And I -- I think this is excellent idea, an excellent bill, long overdue, and I would urge everyone to vote Aye for it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Senator Dillard, to close.

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SENATOR DILLARD:

Just appreciate a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question -- the question is, shall Senate Bill 796 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 54 Ayes, no Nays, no Members voting Present. Senate Bill 796, having received the required constitutional majority, is declared passed. Senate Bill 827. Senator Radogno. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 827.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. This bill was initiated by a local police officer who found a loophole in the criminal trespass Statute in the course of his duties. And this law would seek to clarify that loophole by making it a Class B misdemeanor to knowingly and without authority remain in a building which is not open to the public. Currently, except for a residence or a car, it would require posting in order for someone to be able to be charged with criminal trespass. There was an amendment on this bill. It was simply clarifying language. The bill, as amended, did pass unanimously out of committee, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 827 pass. Those in favor will vote Aye.

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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 827, having received the required constitutional majority, is declared passed. Senate Bill 860. Senator Mahar. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 860.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. This bill, as well as the one that follows, has substantive language in it. However, it is meant to be a vehicle for the Governor's welfare reform package. It's unfortunate, I'm disappointed, and you are, and so is he, that we don't have this before us to be presented at this time, but we would hope that you would agree that a future proposal does deserve consideration and these would be the vehicles for it, and I would ask for a -- for your support in that regard.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. Chairman. I really am concerned that at this late date we still don't have a package. We still don't know exactly what provisions we're going to have to act on here. Even though there's a TANF plan, a draft plan, that's circulating, that will have to go into effect July 1st. There are provisions in that plan that we've questioned. We still don't know exactly, for example, whether or not we're going to take advantage of -- of the

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federal law that allows us to be able to exempt victims of domestic violence and provide services to those individuals. The response that I've gotten from the Department of Public Aid is that the reason they're not taking advantage of that federal law is because then they would have to provide services and that that would cost money. I refuse to accept that as an excuse. There are other provisions, as you know, that are of great concern and I would hope that we would see something real, real soon, because certainly I don't want to be here at the end of Session acting on a bill or a bunch of bills that we didn't have a chance to have public hearings on and a chance to allow all the groups that are concerned about welfare reform coming forth and providing testimony, and having an opportunity for meaningful input. I think that's very, very important and I would encourage Howard Peters and -- and the Governor's Office to -- to get this done real fast, so that we can see exactly what it is that we're going to be working with.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President, and to the bill: Because there are so many looming questions about what will be the final result of the discussions that we've been having and negotiations, I've got to urge us not to support this bill. If you noticed Senate Bill 860 and it's companion bill came out of the Senate Public Health Committee on a partisan roll call. Both of these bills are vehicle bills to implement federal reform. The Department of Public Aid tells us that when the final temporary assistance to needy families plan will -- cannot tell when it'll be ready. This -- the first major overhaul of the welfare system in sixty years, and that's why both sides of the aisle need to be involved in this process. Based on our experience with Senate Bill 10, also known

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as Public Act 89-6, the Republican fast-track welfare bill of 1995, it would urge to vote Present on these bills until we get some assurance that this side of the aisle will be consulted in crafting the final plan to implement TANF.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

I just -- I just wanted to point out that there are seventy-five vehicles on the Calendar today. There's about twenty-two Legislative days after today. The way we're going we're going to be here till June 30th.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point sir.

SENATOR O'DANIEL:

In the President's gallery there's a group of FFA students and their adviser, Mr. Scott Page from Bluford. I'd like for them to stand, and for the Senate to welcome -- to the Chamber.

PRESIDING OFFICER: (SENATOR MAITLAND)

Would our guests in the gallery please stand and be recognized by the Senate? Welcome to Springfield. Further discussion? Further discussion? If not, the question is, shall Senate Bill 860 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 32 Ayes, 4 Nays, 18 Members voting Present. Senate Bill 860, having received the required constitutional majority, is declared passed. Senator Weaver, what purpose do you arise, sir?

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SENATOR WEAVER:

For the purpose of an announcement, please. The Senate Rules Committee will be meeting in about half an hour. Now this will be the last chance for anyone to offer and file a Floor amendment. So if anyone has anything laying around get it filed with the Secretary, because this is your last shot.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senate Bill 861. Senator Mahar. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 861.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. This is the second bill in the -- administration bill to handle the Governor's welfare package. I -- I understand the concerns that were voiced on the previous bill from the other side of the aisle. I -- I can say I agree with them, too. But none the less, this does need to get done. Senate Bill 10 was only part of the answer. We need to come up with the rest of the solution, and I would ask for a favorable vote on this.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 861 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 40 Ayes, 4 Nays, 12 Members voting Present. Senate Bill 861, having received the required constitutional majority, is declared passed. Senate

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Bill 862. Senator Fitzgerald. Senate Bill 866. Senator Weaver.
Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 866.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senator Rauschenberger has put an amendment on this bill, so I would ask him to explain the amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 866 is the General Obligation Bond Act. This raises the debt -- the authorized debt limit of the State of Illinois by four hundred and twenty-nine million dollars to accommodate the -- the Governor's introduced budget and his suggested list of projects. I'd urge a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Trotter.

SENATOR TROTTER:

Yes. Thank you, Mr. President. Just a comment to the Members on our side of the aisle. As we have been doing in the past couple of years, I spoke with the Chairman of the Appropriation committee and ask him would he, in fact, put an amendment on there dealing with the school obligation projects. He didn't want to do so. He wanted to wait until we actually looked at the education process later on in the Session. So as a consequence of us not really again being acknowledged, I would like to ask every Member

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on our side of the aisle to vote Present.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

To Senator Trotter's concerns: We -- we too, I think, on this side of the aisle are very concerned. Just to kind of explain where we're coming from. As soon as we move this bill, we intend to move 871, which is a Build Illinois Bond bill to send it over to the House, because we think that that's the most likely method. So, Senator Trotter, is correct, they did move the amendment and we did not adopt it, but I just wanted you to be aware that we are sensitive to that issue and that's why we intend, as soon as this moved, to move the Build Illinois.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Jones.

PRESIDING OFFICER: (SENATOR MAITLAND)

Yeah. Thank you, Mr. President. In -- in response to Senator Rauschenberger, as relate to all these vehicle bills, now are you in contact with the House? What is the intent really as this bill move over? What -- what is the real intent?

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Senator Jones. I would tell you that the -- the intent on this bill, is this is the authorized debt limit increase for the Governor's proposed General Obligation Bonds which deal with State buildings and water and -- and super max prisons, the other issues there. I really am not, as the Appropriation Chair, I have no authority over what our education policy is in this Chamber, but we are moving a Build Illinois vehicle over so that we're prepared to work together with the House after our education experts get together and kind of, you know, lead us to the

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promised land.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones.

SENATOR JONES:

Well -- well, Howie Carroll talked about the promised land, but, you know, many years in the desert. But -- but as you work with the House, we're speaking specifically as it relate the Senate. Now there are concerns as relate to Members on this side of the aisle as relate to the bonding program in this State. And, again, as Senator Trotter pointed out, you have consistently voted against trying to improve the schools in the State of Illinois. And many of our schools are dilapidated. We have many over crowded schools. So we want to push that program as the Governor had promised. But, you said, negotiating with the House; what about the inclusion of the Senate over here as relate to what those capitol programs shall be and would there be any increased bonding?

PRESIDING OFFICER: (SENATOR MAITLAND)

Was that -- was that a question, Senator Jones, or a comment?
Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Jones, I -- I don't think it's fair to say we've ever voted against school bonds. What we said was, this was a General Obligation Bond authorization. This deals with the -- the Governor's proposed project list for the responsibilities we have to maintain our State infrastructure and to provide wastewater treatment bonds and drinking water bonds. We are sensitive here. I -- I think that the process to be worked out particularly based on what's going on in the House is going to require bipartisan action with both sides of the aisle and both Chambers for us to come to some kind of solution as -- as Senator Carroll kind of off side said, that we have been searching forty years for the

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promised land in education. But they're -- they're two separate questions, I guess, is all that I'd -- remind the Membership. This is General Obligation Bond authorization. This is whether we want to go ahead and maintain the State infrastructure and provide support and relief to provide the funding for the new super max and those kind of things. The issue of school bonding is a separate issue and -- and as appropriation Chairman, I have no authority to -- to -- to tell you exactly what will happen. Presumably our education gurus know.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones.

SENATOR JONES:

Well, that being the case, I would urge the Members on this side to vote Present on this particular issue, simply because what you are doing here is that you're asking for what, four hundred and twenty-nine million dollars, and again, the prisons and the schools are related in a sense. And I know there are projects coming down the line. I don't know what they are. But the authorization bill itself, if you're going to talk about another increase it -- it -- it needs our support, and so -- so far that support has not been forthcoming from your side of the aisle. I would urge the Members on this side of the aisle at least to vote Present until we can come to a resolution and thus pass all these bond authorization together, rather than have a series of other bills coming down the pike on General Obligation Bonds that -- just as a shell bill. So I urge the Members on this side to at least vote Present until such time we get in a position where we can deal with these issues.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver, to close.

SENATOR WEAVER:

Well, thank you, Mr. President. I think Senator

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Rauschenberger's pointed out that the Bond -- or the School authorization construction would be on 871. This is just the Governor's program, and I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Senator Rauschenberger, for what purpose do you arise?

SENATOR RAUSCHENBERGER:

Just a closing comment and a concern. I -- we spent a couple of years wrestling with the -- the other Chamber about whether we would go ahead with -- with General Obligation Bonding and be responsible in -- in moving our infrastructure along. We had a wonderful breakthrough with their cooperation and yours in getting the -- the delayed projects moving through the system. And I would just, again remind everybody this is a totally separate issue. This is about whether we're going to support our State infrastructure, and I don't know how many times we're going to come back to the issue of General Obligation Bonds as we sweep toward the end of Session. So I would urge you to -- to vote to maintain our infrastructure. This is just the debt authorization.

PRESIDING OFFICER: (SENATOR MAITLAND)

I would remind the members that it takes thirty-six affirmative votes. The question is, shall Senate Bill 866 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 31 Ayes, no Nays, 23 Members voting Present. Senate Bill 866, having not received the required three-fifths majority, is declared failed. Senate Bill 895. Senator Molaro. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 895.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President and Members of the Senate. To my Republican colleagues let me apologize for that last vote. If we were going back to 3rd Reading I'd ask that we'd go around again. Yeah, I know. Also, as a -- as a point of personal privilege let me also state that St. Joseph, which it's St. Joseph's Day today -- it's not somebody's wedding, as some other Members may have asked -- of course, is the patron Saint of Italian's as well as Polish -- Polish-Americans and the working man and a bunch of other things. He was not some Italian that some Pope in Italy made a saint because he made his favorite pasta. So those of you who didn't know that, be aware of that. Now as to the bill, Senate Bill 895 is -- is in response to a couple recent things that happened in different states. Federal Express came out not too long ago and stated that in about eighty percent of Gary, Indiana, they would not deliver to after 5 o'clock. FedEx delivers till about 8 or 9 o'clock at night, they decided not to deliver there anymore. Pizza Hut, which is a national chain, basically came out and said that there are certain sections of City of New Jersey that they are no longer going to deliver pizza to. So there's a trend out there now where -- where businesses, who are licensed in certain States and have a license, are going out there and they're starting to redline. Well before they start thinking that Illinois is one of those states, this bill basically states that it is unlawful for a delivery service to fail to deliver to locations because of certain -- certain prescriptions, race, color, creed, religion, ancestry, sex sexual orientation, physical or mental disability, national origin of the resident of that location. And if they -- if it's proven that they violated

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this code, what it would become is it become a petty offense, which is finable by twenty-five dollars up to five hundred dollars. Now it's a petty offense. It's not a misdemeanor. We're not going to make criminals out of these people. What we are telling the businesses, however, that if you're going to do this, be prepared that you are violating the law. We don't want to send a message here in Illinois that you could start a business up and decide we're going to deliver, but we're going to decide where we're going to deliver. I think that's dangerous and that's -- that practice is what this bill attempts to stop. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Collins.

SENATOR COLLINS:

Thank you. I also rise in support of this bill. And Senator Molaro, I don't know whether you know or not, but they do the same thing right here in Illinois. In certain areas of the City of Chicago you can't get deliveries, and that's a fact. And they go by zip codes. So I -- I rise in strong support of the bill and I think you should make it more than a petty offense.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. A few questions of the sponsor?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Dudycz.

SENATOR DUDYCZ:

Senator Molaro, let's -- walk me through this. I'm a little confused by this -- this bill. You're saying that if a pizza delivery boy refuses to go into a neighborhood to deliver a pizza he is guilty of a Class A misdemeanor?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

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SENATOR MOLARO:

No, it's a petty offense. It's finable -- twenty-five-dollar fine.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDY CZ:

How are you -- how are you going to be able to enforce this type of legislation if it's -- or -- if someone's not going to be delivering somebody will say that you didn't deliver to me on time or you just didn't get here, because of my race, my -- my religion, or -- or my sexual orientation. That's in your bill, Senator, I mean, how is -- how is the -- how is the delivery or the person who makes these deliveries be -- is going to be able to determine whether someone is mentally disabled or is a -- his sexual orientation is determined, or his religion?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

Well, to answer that question and -- and to be as brief as I can. First of all, this is a specific intent crime. So first of all you would have to have knowledge that someone is mentally disabled. Second thing is, there has to be one of the discriminatory pieces here, that also has to be present. Now if you're talking about how would you enforce it, you mean as far as how would someone be charged or how would someone go to court, it was the same thing with any other charge, or any other hate -- hate crime, or anything else. The best way and the best time -- the way you charge people of course, is through admissions - or any -- an assault. It's very difficult, except for the fact that -- so if someone goes out and they're making a delivery and they fail to do it, or the company puts out a memo. The best way to do it is a letter would be sent to that company, and if they say,

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we're not delivering there because we just don't like this class or that class, that would be in the form of an admission. And just because a crime is being committed and it's difficult to prove doesn't necessarily mean that we should take the bill out.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

Well -- well has there been any instances in the -- in the State that you know of where -- where a company has issued a memo to its employees, you are forbidden from making a delivery to a specific area based upon the recipients gender, or race, or -- or -- or orientation, or religion?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

Well, in most -- in most institutionalized type of -- of discrimination, whether it's -- be gender discrimination, racial discrimination, most of the times you don't catch -- catch the memos. What is done is either through word of mouth or something else, and how you catch companies who do that, and we see it every day, is either through whistle-blowers who are former employees who find secret memos. So, no, you don't see it every day. However, as I said before, FedEx and Pizza Hut have, in fact, decided not to go to certain places. Senator Collins and -- has just said that it -- it's happened many, many times in the City. We can go to certain employees, ask them if it was told by your supervisor and if the supervisor or the owner of the company admits, "Yes, I did it because I don't like this type of person," he would be in violation.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

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Well, what if it's -- what if it's going clear across the City? If I want a pizza from one part of the City and that -- that delivery driver has to go two, three, four miles away and -- and he doesn't -- if I say, "I want you to deliver to -- a pizza to me," and he says, "No, I can't because it's too far," and I'll say, "No, you're doing it because of my religion."

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

Obviously, the bill doesn't talk about location. You -- you can, of course, say we only deliver within a four-mile radius. You could say he didn't delivery it because you -- he punched you in the face yesterday. You could say anything. The point of the matter is, you still would have to prove it. In that case, unless you could show he did it for discriminatory purposes he couldn't be charged.

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

Yes. Thank you. One more question. Would this also apply to taxicabs and livery services?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

No.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. I move the previous question.

PRESIDING OFFICER: (SENATOR MAITLAND)

Request is in order. There are one, two, seven additional speakers. Senator -- Senator Jacobs.

SENATOR JACOBS:

Well, thank you. I was going to move the previous question also, but I do have two quick questions. I just want to know, with the -- with the first remark that was made preceding the introduction of the bill, is this going to become the Pope and pizza bill, and is Father Quido Sarducci in favor of this?

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Petka. Senator Petka. Senator Fawell. Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Fawell.

SENATOR FAWELL:

Senator Molaro, according to your bill - and I'm reading the -- the language right now - it says "In this Article, 'delivery service' means a business that delivers goods or services as part of its business operation." Now the "or services", it seems to me, would include taxicabs. And I -- as I remember reading some articles in the local newspapers, that is a problem that cab companies admit. They don't want to deliver certain people to certain areas, and -- and I'm sure it could be made -- a case could be made that, indeed, your bill would cover them.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

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SENATOR MOLARO:

Well, I'll read into the record now. It's not the legislative intent of this sponsor to include taxicabs.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fawell.

SENATOR FAWELL:

Well, why? That's a service. In fact, I would say that's probably a more important service at 2 or 3 o'clock in the morning than probably delivering pizza.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator -- Senator -- Senator Molaro.

SENATOR MOLARO:

That -- that's a good idea when -- I'm sure this is going to fly out of here, so when it does and it gets over -- and it gets over to the House, I'll make sure that we discuss putting amendment on to make this great legislation even better.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Petka.

SENATOR PETKA:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Petka.

SENATOR PETKA:

Thank you. Senator, when -- you took the definition for the individuals who would be covered under this action out of the hate crime Section, did you not?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

Well, if I can, Senator, with -- just for one second, a point of order with -- I don't know if I could get this by the Chair, but -- the previous question was moved. You called for Senator

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Petka. He was not there, and he's pretty good. And I'd rather not have to face his questioning, so I would object to him being allowed to speak, because we did move the previous question. You called his name. He wasn't here. So I would object to being questioned by Senator Petka.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro, that -- he was called off temporarily. I realized that after I called him. If you want to appeal the ruling of the Chair, that's fine. I... Senator Molaro.

SENATOR MOLARO:

So I would have to answer his question. I assume you can't take the Fifth Amendment on a Floor of the Senate.

PRESIDING OFFICER: (SENATOR MAITLAND)

That's my ruling, sir. Yes.

SENATOR MOLARO:

I'll yield. I'll yield.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Thank you, Senator. I do appreciate the courtesy. In -- under the hate crime Section, we are dealing there with -- with crimes of commission: in other words, that people take affirmative actions against other individuals, and then because of these affirmative actions, prosecutions are -- are permitted. Isn't that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

Yes. From what I understand as hate crimes. You are correct, sir.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

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SENATOR PETKA:

Under this legislation, you seek to criminalize actions where people choose not to take a certain action. Isn't that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

No. Because I -- I don't seek to criminalize this. Make it a petty offense, and it's not a misdemeanor, nor a felony.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Well, thank you very much. I -- I don't wish to -- to question Senator Molaro, but I do have a few comments, Mr. President, Members of the Senate. We have another case, in my opinion, of unintended consequences and the law that prevails. Consider, just for a second - just for a second - the situation where a minority woman - a female - is -- receives a direction from her boss to deliver a pizza and perhaps other types of food stuffs to a trailer court where they have almost an infestation of skinheads. All right? And the -- and the woman, unfortunately, knows all about this and she -- she decides that in her heart of hearts that this is not in her best interest to drive a vehicle into a -- a trailer court full of skinheads who may be intoxicated. So she tells her boss, "Under no circumstances am I going." The gentleman pulls out this finely inspired piece of legislation and says, "Unless you choose to go, I may be subject to a fine of five hundred dollars. If you choose not to go you are fired, because I can't afford to be spending my time in court defending lawsuits because of this piece of legislation." Once again, in my humble opinion, we are asked to pay homage in the temple of political correctness. We will sacrifice and criminalize yet another freedom - a person to make an informed

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common-sense judgment about what's in their best interest so that we can continue to try to fulfill the insatiable appetite of political correctness. Folks, we don't leave our common sense at the doorways when we walk in here. We are sent down here to do a job, and the job is to protect the best interests of the people of this State and not the devotees of political correctness. Please, let's -- let's stop the nonsense right here. Vote No.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. First I'm going to pray for all of you, and I'm serious about that. Some of you clearly have never been downtown like I have with a suit and a tie on, sharp as a tack, clean as I could be, and have a taxicab say no, pass you by. Money in my pocket, bulging; can pay; will tip. Can't get a ride. Must have never happened to you. Well, it's happened to me. It's not nice. Doesn't feel good at all. I live in a nice neighborhood, have a nice house. Paying for it. Work hard every day. Every day. But, yet, I get taxicab drivers downtown who won't pick me up because I am black. Simply because I'm black. Don't even ask me where I'm going, what neighborhood, whatever. This bill does not deal, Senator Petka, with putting yourself in -- in harm's way. It says someone who fails to deliver to a specific location based on race, color, creed, religion, ancestry, sex. It does not say going into a high-crime area where you know your life is going to be in danger. It does not say that. It says discrimination based on race and perceived sex or physical or mental disability. And people -- white people who live around the black community, which I have many of them, they get discriminated against, as well, just because they live near the community. Pizza -- pizza won't deliver to the neighborhood, but yet, you can go there and pay your money, and they'll take your money. This is

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-- it's -- it's really getting to be a sad day again in this Senate when everything that comes up that will help the African-American or Hispanic community gets shot down by that side of the aisle. And I really don't understand it, because I have so much respect for most of you on that side of the aisle. It really just is mind-boggling that you will vote against anything - anything - that's perceived to help a little poor, minority community. I -- I just don't understand it. And I just thank God that he has taught me the ability to not let you stress me out, depress me, and make me sad for too long, because you do it every day. So I will -- not you, you know, Aldo. You -- you're my girl, Adeline. But I'm going to pray for all of you. I really am.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Butler.

SENATOR BUTLER:

Well, Senator Hendon kind of hitchhiked on what I was thinking. Will the Senator yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield.

SENATOR BUTLER:

Senator Hendon mentioned that the cab driver were probably refusing him a ride because of the -- of the -- of some chance that he would be asked to go into a high-crime area. Now, if the -- if you have excluded cab drivers, I presume that's the reason why you have done it, because the newspapers in Chicago periodically emphasize the fact that the cab drivers have refused because of -- of the incidence of crime in high-crime areas. So if a pizza driver took the same defense that a cab driver has, is that -- is high-crime area location a -- a permissible -- a permissible reason to refuse a delivery?

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Molaro.

SENATOR MOLARO:

Well, sad to say, according to this bill, it would be excusable. If you're going -- doesn't say as to location because of high crime. The idea would be that if it's for any of these that I have written here, then of course you can't do it, but a high-crime area is not one of them. So Senator Butler is correct.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro, do you wish to close?

SENATOR MOLARO:

Yes. Thank you very much. Just one bit. I hope everybody enjoyed the flowers I gave out, before you vote, remember them. But just for some seriousness right now. One of the colleagues -- one of my colleagues stated that -- talked about political correctness. Well, you know, there -- there's certainly something to be said about that. A lot of bills we bring just to be politically correct and a lot of bills we bring for politics in and of itself. I don't think this was done for that. At least I didn't bring it for that reason, or I hope I didn't. Sometimes you don't even know your own motives. However, if you read this bill, it -- you're right: If someone says, "That's high crime and I'm not going because I fear for my own well-being," then you haven't broken this law. You don't have to go anywhere in America. You don't want to go do it, don't. If you're afraid, you don't have to. All this says is that if you intentionally, specifically for the reason because of race - someone is black, white or Hispanic - and you say, "I'm not going there because I don't go to black neighborhoods or to white neighborhoods or Hispanic," you're breaking the law. If you stand there and you say, "I'm not going there because I'm not delivering where there's Catholics or Jews or Baptists," then you're breaking the law. If you go over there and you say, "I'm not going to do it because I

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don't want to go with those Italian-Americans," there -- but you're breaking the law. Now, I don't want to keep going on and on, but that's what this says. This isn't about political correctness. In the United States today, and in the State of Illinois, we want to send a message out. Hey, if it's for safety, don't go, but if you're going to go out there and it's because of any of these -- any of these reasons, these hate-mongering type of reasons, then that business is wrong. That business should be told, "We don't tolerate that in the State of Illinois." And that's the reason for this bill. And I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 895 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 23 Ayes, 6 Nays, 26 Members voting Present. Senate Bill 895, having not received the required constitutional majority, is declared failed. Senate Bill 899. Senator Madigan. Senate Bill 902. I'm sorry. Senate Bill 908. Senator Luechtefeld. Senator Luechtefeld. Senate Bill 921. Senator Shadid. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 921.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shadid.

SENATOR SHADID:

Thank you, Mr. President and fellow Senate Members. What this does is it deletes the current law requiring that video conferencing can only take place when a defendant is located in a different building than the building in which the judge is

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located. This bill was put in for the Cook County Sheriff's Department to allow them to do first appearances with closed-circuit television in their county.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 921 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 921, having received the required constitutional majority, is declared passed. Senate Bill 929. Senator Rauschenberger. Read -- read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 929.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 929 separates the issue of impact fees from land/cash donations, and goes forward and standardizes the definitions regarding the practices of the land/cash donation Statute. Senate Bill 929 requires that land donation ordinances shall be based on accurate expected population growth to be generated by development and, number two, the number of acres of -- of school site or park site required to serve the projected population growth. Cash in place of land shall be based on a value of an acre with subdivision improvements. This bill is based on a Naperville-style ordinance so that those would be permissible. Land -- school land donations are based on the State Board of

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Education guidelines, and park donations are based on Supreme Court rulings that we've had in the past. I'd urge its favorable action.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeLeo.

SENATOR DeLEO:

Thank you, Mr. President. Would the sponsor yield for some questions?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator DeLeo.

SENATOR DeLEO:

Thank you. Senator Rauschenberger, there were some questions came out of this legislation, and some people were asking some different questions in regards to this. If -- we have a couple questions, if you would be so kind. Does this bill take away any authority from municipalities to assess fees for schools or parks?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

No, Senator DeLeo, it does not.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeLeo.

SENATOR DeLEO:

Currently, our units of local government, are they allowed to do this now?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yes, they are currently allowed to do those things by Statute, and it's been reaffirmed in case law in the Krughoff versus Naperville case.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator DeLeo.

SENATOR DeLEO:

Would this Statute place caps on the amount of land or cash to be donated to a community?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

No, it wouldn't.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeLeo.

SENATOR DeLEO:

Well, are there any other forms of taxation given to units of local government that have no restrictions, parameters or guidelines?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

None that I'm aware of in the Statutes currently.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeLeo.

SENATOR DeLEO:

Well, does 929 -- Senate Bill 929 affect, in any way, fees extracted from any other governmental purposes, such as water or sewer?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

No. Senate Bill 929 speaks only to school and park donations. No other fees or exactions are eliminated or regulated by this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeLeo.

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SENATOR DeLEO:

Does this provide a single, across-the-board value on the amount of land to be given or the amount of cash in lieu of the land to be given?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

No. Land donations or cash in lieu of land will be determined by the three components listed in the bill: population generated by the development; two, the number of acres needed for schools or parks; and three, the value of the land that's being exacted -- extracted.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeLeo.

SENATOR DeLEO:

Thank you, Mr. President. My last question is very simple, and I want you to know that I am for this bill. There were some of the issues that we just wanted to make sure that they were not a problem with some local units of government. Then my last and final question: Why is this bill necessary?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, some units of local government are using outdated statistics and land values that are not consistent to increase the bottom-line fees that they're exacting from property owners. Senate Bill 929 states how these figures are to be derived, creating a predictable and reasonable fee for developers and landowners.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

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Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

The Municipal League was working on an amendment with you. Was that accepted, or not?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Geo-Karis, I -- we had some discussions with the Municipal League. They have not brought me any language to amend this bill. So I've neither accepted, nor rejected. This bill is exactly as it was brought before the committee.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, much as I love the sponsor of this bill, I think that this bill places great limitations and standards that municipalities must follow in enacting a school impact fee ordinance. In addition, this legislation does not protect the right of municipalities to enter into annexation agreements and does preempt home rule. Now, it would seem to me -- there are municipalities in my district and in Senator Peterson's district that have entered into annexations -- annexation agreements which are very, very favorable to the people of the district of that particular area, and I think this bill might negate it. And I -- I don't feel comfortable supporting this bill in its present stage, and I -- I feel that it does limit the right of municipalities to exact what they should do for the betterment of the community.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Senator Rauschenberger, do you

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wish to close, sir?

SENATOR RAUSCHENBERGER:

I -- I'd urge a favorable roll call. This is an attempt to standardize what takes place in land/cash donation. The issue of impact fees I'm sure we're going to be back to visiting at a later date. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 929 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 43 Ayes, 10 Nays, 1 Member voting Present. Senate Bill 929, having received the required constitutional majority, is declared passed. Senate Bill 930. Senator Rauschenberger. I'm sorry. Senator Weaver, for what purpose do you rise, sir?

SENATOR WEAVER:

Thank you, Mr. President. In order to kind of clear up the Calendar, I'd like to re-refer to Rules Senate Bill 867, 868, 869, 870, 872 and 873 and 874 and 875, re-refer to Rules.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver has moved that Senate Bills 866 {sic}, 867, 868, 869, 870, 871 {sic}, 872, 873, 874, 875 be re-referred to the Committee on Rules. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the bills are re-referred to Rules. Senate Bill 930. Senator Rauschenberger. Senate Bill 934. Senator Klemm. Senate Bill 939. Senator Watson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 939.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

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SENATOR WATSON:

Yes. Thank you, Mr. President. This particular piece of legislation comes to us primarily from southwestern Illinois, but obviously has statewide impact and statewide support. It is called the Brownfield Rehabilitation Development Act {sic}, and what we are allowing to happen here is for private sector dollars to come into a community, identifying a Brownfield site and establishing tax credits from the Department of Commerce and Community Affairs, working with the Environmental Protection Agency to establish a remediation plan and remediating the particular contaminated site. What has to happen is job creation has to take place. When that job creation takes place, sales tax, employer tax then is -- is made available as a tax credit back to that private company who has remediated this site, and to help pay, or hopefully totally pay, for all the remediation. This is something I think that it's a win-win situation. We create new industrial sites. We clean up a -- an environmentally concern problem, and we create jobs along with it. We've been negotiating with the Governor's Office, and in good faith, we will continue to -- to negotiate with them. And we were close to an agreement, but, of course, with time restraints, have led us to this point in time in which I think the bill has to pass, and I'm -- ask for your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 939 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 939, having received the required constitutional majority, is declared passed. Senate Bill 944. Senator Petka, on 944. No. Okay. Senate Bill 945.

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Senate Bill 959. Senator Klemm. Senate Bill 968. Senator --
Senator Trotter, I'm sorry. You've taken over sponsorship of --
of Senate Bill 968. Do you wish to call the bill? Read the bill,
Mr. Secretary.

SECRETARY HARRY:

Senate Bill 968.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate.
I'm handling this bill for Senator Shaw, who is out in his
district today. Senate Bill 968 requires persons involved in the
receipt, transfer, recycling or other management of construction
or demolition debris to maintain load tickets and other manifests
reflecting receipt of the debris from the hauler and generator of
the debris. It requires persons involved in the generation,
transportation, transfer, or disposal of construction or -- and of
-- or demolition debris to maintain load tickets reflecting the
transfer, disposal, or other disposition of the debris. It
permits the Pollution Control Board and the courts to order the
performance of community service by those who violate the Act.
This Act -- initiative of this was brought forth as a consequence
of what we have all heard for over a year, the silver shovel
investigations in the City of Chicago. As we've heard mostly
about all -- through the media that there's been a lot of heads
rolling as a consequence for -- from public officials who took
bribes as they turned their heads and had actually allowed dumping
in various communities. But the real tragedy and the real
travesty of this bill is -- was the -- the acts that was
perpetrated upon the community itself. What this does, in

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particular, is that they -- we're asking that those individuals, that they be forced -- that the law would force the haulers and the generators to be more accountable for the disposal of their debris by requiring them to keep records of construction debris in the form of load tickets and manifests. This bill does not unfairly burden reputable operators or generators because they already maintain accurate and complete records, and I ask for your favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there -- is there discussion? Is there discussion? If not, the question is, shall Senate Bill 968 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 968, having received the required constitutional majority, is declared passed. Senate Bill -- Senator Cullerton is not here. Senate Bill 999. Senator Watson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 999.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This is the legislation dealing with local franchising of cable television, and it establishes a means by which communities, at the local level, either a community or a county, whichever is the governing body, can make a determination on another franchise for competition in the cable -- cable business and local cable being made available to the people that are served in that area. The -- the current

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law -- what happens is, in some cases, is the community will -- will negotiate with the second franchise or a second cabling interest, and the current law says you have to take it line by line by line. In other words, the contract that was given to the first initial franchise must be line by line by line the same as what you give to the second. That -- that creates no flexibility and decision making at the local level, and therefore, we want to see some flexibility to that and allowing the communities to make some change, but it has to be a comparable contract. They can't go in and simply cherry pick things; it has to be comparable. We also say that, because of the problem that is taking place in many communities now by which they are refusing to even look at a second franchise because of litigation and the cost of litigation that could occur, there is some restrictions on damages that could be awarded in -- in a lawsuit case. I know that there's been a considerable amount of effort and work, and we have negotiated. Both the cable industry and those on the other side, primarily Ameritech, have negotiated and have come close to an agreement, but unfortunately, at this point in time, they have not. But it's been my understanding, and the agreement that I had in my office this morning with the Ameritech people and the cable television individuals, that -- that negotiations and hopefully some agreement will be reached and an amendment will be adopted in the House. Thank you, Mr. President. And I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You know, to me, it's -- it's quite obvious that something's wrong every time that you have to go to a municipality or a county to sign a second cable franchise and then they're going to get -- end

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up getting slapped with a lawsuit. It appears to me that this -- this legislation is not intended to give anyone a competitive advantage. To me, rather, it's designed to help our local governments. They need our help because they want to do their jobs and they want to be able to negotiate cable franchise agreements. But they are also telling us they want to be able to negotiate franchise agreements that are in the best interest of the communities without having to duplicate existing contracts line by line, word for word. Doesn't make sense to me to have two identical cable franchises in a municipality unless that municipality wants them to be identical, and that decision should be left up to the local governments. When you cut through all the rhetoric, the line-by-line interpretation adopted by the cable companies is not in the best interests of anyone, perhaps except the cable companies. It doesn't benefit local governments. It doesn't benefit consumers. But it seems to me that whenever you add some competition in the mix, consumers only stand to benefit. All this bill does is say that franchise agreements must be comparable in their entirety, not line by line, word for word. And let me just add one thing. We have been working diligently along with Senator Watson to get an amendment drafted to this bill. And we have a -- a agreement in principle, and unfortunately, as happens in many of these negotiations, you get up to the corporate heads and the corporate heads can't agree on dotting Is and crossing Ts. And I think we, as a Body, should pass this legislation out, continue working on it in the House, but I want to send, personally, a strong message to the top, to the brass, of both the cable companies and the telecommunication companies and everyone else that wants to get into this business: Put your petty issues aside, think of the consumers, come to -- do battle, but come to an agreement on this bill, which I think we can do, and everyone will be happy in -- in the end. Thank you.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Weaver.

SENATOR WEAVER:

I would move the previous question.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver moves the previous question. There are seven additional speakers. Senator Dudycz.

SENATOR DUDY CZ:

Thank you, Mr. President. Senator Watson, can you name, for me, the current franchise obligation that an existing company must meet to get this cable franchise?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Well, that would be negotiated by the community. Each community negotiates each individual contract with the first franchisee.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDY CZ:

That -- that's absolutely correct. They do negotiate. They have negotiated. And part of this negotiation is that they must wire all the schools in the area, all the libraries, all the police and fire stations, and all the government buildings, and they must serve the entire community, and they must pay franchise fees, and they must build two-hundred-and-fifty-thousand-dollar studios and provide free government channels. Now, does your bill, Senator Watson, require -- now, does it require these same franchise obligations to Ameritech or any other new -- new Johnny-come-lately cable companies?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

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SENATOR WATSON:

Well, as I mentioned in the opening remarks, what we are establishing is that the contract that is set up with the second cable network has to be comparable. So you can't go in and just necessarily cherry pick what you want. It's got to be comparable, and that, to me, is fair.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCYZ:

That's correct. Comparable in its entirety, but that does not include where they would be required to provide these type of services that is being required currently of the existing cable companies. Well, let's -- does your bill have anything to do -- in it that says that the two franchises, both the existing and the newcoming franchise, must be competitive, or that your bill would guarantee that they compete?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Well, actually, I think that's what we're trying to establish, is competition. And that's -- and that's one thing that we don't have currently in the -- in the cable industry. At least, in many cases, it is locked out. The -- many of the communities simply won't negotiate with a second franchise because of the existing law.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCYZ:

So -- so you're saying that this bill will -- will cause competition, will -- will have it fair for the consumer and for all parties involved. Well, let's -- let's have an example here. Cablevision of southern Illinois - it's got a total of twenty-four

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thousand subscribers, has revenues of 4.8 million dollars, sixteen employees. And this cable company services communities like Mt. Vernon, Ashley, Carlyle, Central City, Centralia, Chester and Grayville and Glensburry {sic}. We all know where they are. Right, Senator Watson? And now you're going to have...

PRESIDING OFFICER: (SENATOR MAITLAND)

Is that a question? No.

SENATOR DUDYCZ:

...Ameritech coming into the picture with a thirty-five-billion-dollar -- annual revenues; nineteen thousand-dollar {sic} employees; five state multinational corporation, which provides long distance, cable, local telephone, home security systems, cellular phone. And you're talking about competitive. That's not competitive. You're bringing the -- this is an absolute case of David versus Goliath. You've got -- Senator Watson, why don't you take this bill out of the record? They were so close last night negotiating. Twice they -- they believed -- the negotiators of cable and Ameritech believed that they reached an understanding that they were very, very close to reaching a compromise. Both times when they -- when the conferees went to their corporate offices, or to their golden domes, or wherever they go, where all these head honchos are, Ameritech came back with an answer twice. Both times, one word: No. They did not offer any other alternative. They just said no. They went back to the table trying to negotiate again. They reached some sort of basic understanding that they thought they were very, very close. Again, they went back to Ameritech's corporate offices and the big bosses said, "No, we don't need to. We're Ameritech." That's not fair. Now, you know what? I have another suggestion, Senator Watson. Why don't you either pull the bill, or -- or if you don't, why don't we just vote it down? Because Senator Rauschenberger has Senate Bill 930 that he's prepared to amend.

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He's got it on Recall. He's going to amend it with the language that was almost agreed upon last night, and we could work -- go forward with that bill. Because, right now, Senator Watson, it seems like there is a stumbling block and Goliath is not listening to David's pleas, and I would hope that the Members of the Senate do.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Dillard.

SENATOR DILLARD:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Dillard.

SENATOR DILLARD:

Senator Watson, I'm a -- I'm a little confused, and I know that we were very close at negotiating an agreement between two very good entities: Ameritech and the cable television industry. So just so I'm clear, and this is my question: If the cable television industry, whoever that franchisee, has an agreement, Ameritech then, or the new competitor, can come in and essentially get the same deal, and the municipality or local government can come in, you know, and offer, under the same terms, that agreement to a second company. Is that what this bill is about?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Well, first of all, it's about competition. That's what it's first about. But secondly, and to answer your question specifically, is that you have to have a comparable contract. You have to offer the second franchise a comparable contract. Right now, it is just simply line by line. In other words, you build a studio -- first franchise builds a studio; second franchise has to

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build a studio. That's the way it is right now. That's ridiculous. A duplication of effort. So what we're trying to do is say, let's create some flexibility. Let's let some other maybe -- and -- and think about it, when -- how many -- long has cable television been around? Fifteen, twenty years. Some of the technology has changed. Obviously, there needs to be some revisions in -- in current -- or, possible current contracts that will enable the best service to be provided to the people that are being served in that area. So, it has to be a comparable contract - that's what -- that's what the language says - but not line by line.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

...sports fan, Senator Watson. Let's use an analogy to free agency in major league baseball or sports. If a cable franchise has a contract, and Ameritech, for my hypothetical, comes in, and they are able to supersede or come in after the cable franchise, does that cable franchisee then have a third right to come in after Ameritech and even make a better offer, better than Ameritech offered to that municipality? If the cable company will lower its rates or change its terms, do they get another bite of the apple to undercut Ameritech?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Well, everybody keeps talking about undercutting and different levels of contract. It can't be that way. The contracts have to be comparable, and, yes, the answer is there's no limit as to the number of franchises that could be negotiated. Realistically though, I think that you would say that two would be probably the maximum number most communities would want -- want to negotiate.

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But the answer to that is certainly yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

And I guess just to the bill, Mr. President, and -- and I certainly commend Senator Watson, who had patience during the Veto Session on this issue, and again this spring, and I know Frank has worked very hard on this. But I guess I agree with Senator Dudycz that we're very, very close, I believe, to some type of negotiated agreement here, and it is very frustrating to pit two decent industries, Ameritech -- or, companies - Ameritech and the cable television industry - together. And I just wish, again, that he wouldn't proceed with this bill, that we wait, and we try to force some kind of compromise between these parties. There are other bills, I believe, around that could be an appropriate vehicle. And, you know, it's just unfortunate we weren't able to come to some compromise here, 'cause I think one could be had.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of this Chamber. This bill is -- is about choice. This bill is about options. Unfortunately, to -- maybe and probably to the chagrin of many individuals, this is not a perfect world. To some, a perfect world would be one that's filled with only good Republicans. It is not like that. There is diversity out here. There is dimension. Now, I don't know what bootleg thesaurus that some of our Members have been reading from, but the bottom line is comparable is not synonymous with unfair. You know, choice is not synonymous with discrimination. Options breeds and encourages competition. Competition is what's built this country. That's what makes this country great. So let's stop being paranoid and

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let's vote for this bill, and let's -- let's go on and deal with the business of this Chamber.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Donahue.

SENATOR DONAHUE:

Well, thank you very much, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to this bill, and -- and I'm interested in how we work on this compromise if it goes to the House. I mean, if something -- if we do come to an agreement that -- I'm all for that, Senator Watson, but what happens if it gets -- this bill gets to the House and there is no agreement? It's out of our control. And that bothers me, and I have concerns. Can you have any -- dealing with getting to the House, do you have any way to assure us that it won't move?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Well, of course, we lose control, and I lose control when it leaves here, and there's no way I can commit to -- to the House sponsor that -- that -- certain things happen. But I have talked -- and they're sitting right up here -- with the cable network people and have met with them on several different occasions, as has -- and we keep talking about this Ameritech, but it's not necessarily Ameritech. It can be another cable network that can come in and get a second franchise. But I have talked with Ameritech, people there, and -- and I have told them -- I've told the corporate people -- that I want to see negotiations continue, I think they are very close, and I would like to see this worked out. I mean -- and that's -- that's my interest. I think that's both the cable industry's interest and I think that's Ameritech's interest. And I think we'll move towards that end.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Donahue.

SENATOR DONAHUE:

Well, thank you, Senator Watson. I, too, have a great deal of respect for what you've done in regard to this, although we do disagree. Let me -- let me address a couple of points, and I, too -- I know a lot of things have been said about Ameritech, but I have a different analogy, you know, when we talk about bigger. I don't mind competition if it's a level playing field, but for -- just for the sake of an analogy, and I can't talk about what -- like what Senator Dillard was doing, but I think I can give it to you in a way I think. Say I was going to have a fight with Senator Luechtefeld. He's a heck of a lot bigger than I am, but I'm willing to take him on, because I think I might be quicker. I might be able to maneuver a little bit better. Sorry, David. But on the other hand, maybe I might want to take on -- Senator Fawell and I might be having a fight. I'm a little bit bigger than Bev, and -- but she might be a little smarter, but that's all right, because you've got bigger and you've got smaller but the competition is level. But what I'm saying is under this bill, you're tying my hand behind my back and I can't fight fair. And that's the problem. When we talk about that local contract that's already being -- or, has been negotiated with the incumbent companies - the studio, the access fees, having to have all these lines to these various companies or entities - as I understand this bill, the company coming in - the new company - would be able to utilize those facilities and those accesses at no cost. That studio is a cost to the incumbent company and will have access by the new company coming in. I don't think that's right, and I don't think that's fair. We're trying to say, in this bill, comparable technologies and not a line-by-line contract. Well, let's think about those comparable technologies. If you have a better line and a better system coming in, that's great. You're

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going to have an advantage, because you're going to have a better system and things to offer. That puts the onus on the incumbent company to come up with something. And I'm just saying that this bill does not allow for true, fair competition in what we say it is. And that's the problem. And I think that's why people are getting very nervous about it. I would just say, again, I have respect for the sponsor. I think he's done a wonderful job to a point, because we haven't gotten to the point we all feel we should be. So I would just suggest maybe a Present or a No vote, and hope that we can come up with something later in the Session.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator DeLeo, for what purpose do you arise, sir?

SENATOR DeLEO:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, sir.

SENATOR DeLEO:

Thank you, Mr. President. And I apologize for interrupting in the debate on Senate Bill 999, but I'd like to introduce the President of the Cook County Board, the Honorable John Stroger.

PRESIDING OFFICER: (SENATOR MAITLAND)

Mr. Stroger, please rise. Welcome. Mr. Chairman, welcome to Springfield. Welcome to Springfield. Further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President. I -- I'd like to make a couple of comments regarding this bill, if my mike will hold up. However, we're -- in this case, we're talking about competition, and for those of you-all who have cable, I guess that you know that they basically control the price, the price increases, and the quality of service. But I want you to -- I want to tell you one thing.

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There's a section in my district where cable do -- they -- they're of the opinion that they do not have to put cable on the other side of the street because it's an extra cost. So there's one or two blocks in my district -- or, in East St. Louis where there's no cable. And the reason why, cable will not take the extra cost to run lines and put lines on the other side. So what do I say to those people who don't have cable who have a desire to have cable? What I say -- say to them is that if we allow competition, then the new cable company, or the old cable company, will add lines to provide quality of service to those individuals. Now, the other thing I'd like to say regarding competition is that it improves service, it improves the price, and it provides an alternative, which is very important, because that's what competition is all about. But the -- the other thing that's most important -- and we're talking about the David and the Goliaths -- when I -- when my cable man comes out, he climbs a telephone pole to connect the cable up to my home. We're talking about David and the Goliath, but cable is using the telephone lines. What costs have -- have they paid or they've incurred for those telephone lines to be up there? Let's be fair. Let's be honest. And the other thing is, the most important thing about this is, that we give our constituents an opportunity to choose the best quality of service. And I think that we should support this bill, that this is a good bill, and it's the reason why we have different -- different telephone companies, different services throughout this whole industry, because it promotes a high quality of service. And I -- I support this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I don't think there's any bigger proponent of competition in this

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Chamber than myself. I've worked under the leadership of Senator Mahar for nearly three years on figuring out how to bring competition to monopolies like electric and telecommunications. But there's some things you need to know about this bill that you may not understand. Cable today is not, and never was, a monopoly. Cable is one way of delivering a television signal. It competes already -- it competes -- it competes already with both the broadcast and the satellite industry. So we're not talking about a monopoly when we're talking about cable. We're talking about one delivery system. Keep that in mind. The second thing you need to understand is there are two Ameritechs. This is not our friends, the Ameritech telephone people, who are dealing with the issues of inter-LATA connections and -- and moving on to the long-distance business. This is Ameritech New Media, a spin-off subsidiary of the old Ameritech. When we asked them in committee why they selected the name "Ameritech," and whether they thought any of that name or any of their publicity or any of their name recognition was related to the telephone company, they said, well, they weren't sure, but it was an awful good name and a good reputation. So there's a natural advantage when you see a spin-off of a -- of a -- of a telephone company in the cable business. For those of you who think that this will increase competition, it's my firm belief that it will not. Ameritech is not running around the State of Illinois looking for underserved areas to expand the cable business. What they have done is they have selected communities with high density and high volume and have decided to negotiate second agreements to enter those communities. This, in fact, will, I believe, reduce the amount of availability of cable in underserved parts of the states, because it's going to drive the current cable franchisers into economic -- serious economic problems. Keep in mind, as well, that Ameritech New Media is not laying traditional cable. You need to understand

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-- I think you need to understand the relationships and the crossover into what's happening in telecommunications. Most cable companies laid earlier cable and have just recently been updating to four-fifty cable throughout their systems. Ameritech is already laying today six-fifty switchable cable. Six-fifty switchable cable has almost no application in the cable industry. Many people wonder if this is not really their -- their beginning of updating to a fiber-optic system for telephone and cable combined, doing it outside of federal regulations through the cable industry. As much money as -- as AT&T has, as much clout and intelligence as MCI and Sprint and every other telephone company in the -- in -- that's operating in the United States, no one believes -- no one's come to us, in -- in two years, and said they can afford to lay new fiber-optic cable in communities through the State of Illinois to duplicate the telephone system. Yet, for a market that's generally got half as much penetration and less disposable revenue, Ameritech is targeting northeastern, high-volume communities to lay new six-fifty switchable cable. There's a lot more here than meets the eye. This will not improve competition. I believe it will actually decrease it. When we talk about fixing the -- the arrangements, I would agree that if you're talking about a sixteen- or a fifteen- or a fourteen-year-old franchise agreement that was entered into in good faith by a cable provider who thought he was getting an exclusive right - okay? - that may be an antiquated arrangement. But to say that a second person can come in and negotiate a replacement contract and not have it reciprocally available to both providers of cable in that community is just not equitable. This is about what's equitable. This is about a favorable, even playing ground. This is about keeping your eye on the ball. Don't let Ameritech get away with calling this a fairness bill. It's not. This is not a competition bill. This is not an

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expansion-of-access bill. This is a bill where Ameritech is seeking a competitive advantage, I firmly believe. And I -- I would like you to think very seriously about voting Present or No to encourage further negotiations. I fully respect the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Fully -- further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I would like to concur with the statements that Senator Rauschenberger made, and I don't always agree with him, but I do today. And I'd like to concur with the statements that Senator Donahue made and Senator Dudycz made. In my district, one of my municipalities, Vernon Hills, their contract with the cable company has always provided that if they wanted to have another cable company come in, they could. I don't see the purpose of this bill. I mean, competition should exist. I have two cable companies servicing my district, and they -- they know that if the municipalities in our district want to add another cable company, they can. So I don't see the purpose of this bill at all, because it's just like Senator Dudycz said, that it's a question of Goliath and David. And let's not kid ourselves. Ameritech has the resources, has the mailing lists, the telephone customer revenues, and -- and the telephone company employees to build their cable system, and I think that we're going too far afield. I believe in a small business enterprise, and I speak against the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson, to close.

SENATOR WATSON:

Yes. Thank you, Mr. President. Well, first of all, let's -- let's make a few things -- clarify a few statements that have been made. Ameritech is being the bad guy by some people here. But what you have to understand is this isn't for Ameritech; this is

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for a second franchise. The cable industry -- anybody can come in and bid on that second franchise and offer to communicate and negotiate with the local governing body, whether it's a county or a municipality, this particular second franchise. So I don't think that we should always necessarily point the finger at Ameritech. And let me ask you about this: Have any of you heard of Time/Warner before? Or anybody ever heard of TCI? They're not exactly small players in the stock exchange right now. They're major players. In some cases, they're larger than Ameritech. That's cable industry in some cases. Well, this isn't the little guy versus the Goliath. This is trying to create competition, and anybody that believes in the free-market theory of "compete or get out" -- and I do that every day in my drugstore. If I can't compete with Wal-Mart or I can't compete with Revco or whoever it might be, I'm gone. And that's the way it ought to be. And that's all we're asking here, is to give the local communities the decision making at the local level by people who are elected by -- at the local level. In county government and city government, the right to make a decision that is in the best interest of whom? The people they represent, the consumer. How many people got up and even mentioned the consumer? If you go out in the street right now and pull half the people off and say, "What do you think about cable television," they'll tell you it's a monopoly; there ought to be competition. Well, that's what we're trying to do. And that's all. I'd appreciate a Yes vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 999 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 34 Ayes, 12 Nays, 8 Members voting Present. Senate Bill 999, having received the required constitutional majority, is declared passed.

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Senator Halvorson, on -- on Senate Bill 1002. Senate Bill 1007.
Senator Karpziel. Senate Bill 1012. Senator Weaver. Read the --
Senator Weaver.

SENATOR WEAVER:

I'd like to re-refer this bill to Rules Committee.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver moves to refer Senate Bill 1012 to the Senate
Committee on Rules. Those in favor, say Aye. Opposed, Nay. The
Ayes have it, and the bill is re-referred. Senate Bill 1012 is
re-referred to Rules. Senator -- 1018. Senator Butler. Read the
bill, Mr. -- I'm sorry. Senator Butler.

SENATOR BUTLER:

Mr. President, I'd like this bill to be recommitted to Senate
Rules.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Butler moves to re-refer Senate Bill 1018 to the
Committee -- Senate Committee on Rules. Those in favor, vote
{sic} Aye. Opposed, Nay. The Ayes have it, and the bill is
referred to Rules. Senate Bill 1019. Senator Karpziel. Senate
Bill 1020. Senator Dillard. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1020.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. -- thank you, Mr. President, Ladies and
Gentlemen of the Senate. This is a uniform limited liability
company bill that comes from a task force and a couple of years of
work from Secretary of State George Ryan's Office and also the
National Conference of Commissioners on Uniform State Laws, and it

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brings our Uniform Limited Liability Company Act into, I guess, a -- a format that is more workable and updated than the current limitations that there are under this Act. This has received extensive input from the bar associations and from two statewide task force and the National Conference on the Commissioners of Uniform State Laws, 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 1020 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 1020, having received the required constitutional majority, is declared passed. Senate Bill 1031. Senator Burzynski. Senate Bill -- Senate Bill 1041. Senator Parker. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1041.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1041 amends the Uniform Interstate Family Support Act. We had heard debate on this already. It is part of Senator Lauzen's bill. However, this amendment needs to be accomplished, otherwise we will be losing federal funds because of the compliance. So we just wanted to send this forward on a separate bill in case there was any controversy on the more complicated bill later. And I will answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 1041 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 1041, having received the required constitutional majority, is declared passed. Senate Bill 1043. Senator Geo-Karis. Senate Bill 1044. Senator Geo-Karis. Senate Bill 1045. Senator Geo-Karis. Senate Bill 1052. Senator Parker. All right. Senate Bill 1053. Senator Parker.

SENATOR PARKER:

Thank you. I'd like to make a motion to move 1052, 1053, 1058, 1059 back to Rules.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Parker has moved that Senate Bills 1052, 1053, 1058, 1059 be re-referred to the Committee -- Senate Committee on Rules. Those in favor, signify by saying Aye. Opposed, Nay. The Ayes have it, and the bills are referred to Rules. Senate Bill 1070. Senator Watson. Senator Watson. On 1070, Senator? All right. 1074. Senator Dillard. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1074.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. This is a vehicle bill primarily to hopefully be advanced out of this Chamber, sent over to the House for language that would come from the Illinois Coalition, which is a group of business, academic and government individuals trying to

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advance technology and luring high technology jobs to Illinois, working in conjunction with Argonne and Fermi labs, our national laboratories. There is not language developed yet, but I'd like to move it out of here as a shell bill, over to the House, in case the Illinois Coalition, working with DCCA, come up with -- comes up with language in the next month concerning high technology initiatives in the State of Illinois.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If -- if not, the question is, shall Senate Bill 1074 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? Senator Maitland has not voted on this bill yet. Take the record. On that question, there are 55 Ayes, no Nays, no Members voting Present. Senate Bill 1074, having received the required constitutional majority, is declared passed. Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned: Referred to Education Committee - Senate Amendment No. 2 to Senate Bill 781; referred to Environment and Energy Committee - Senate Amendment No. 2 to Senate Bill 431, Senate Amendment No: 2 to Senate Bill 700, and Senate Amendment No. 1 to Senate Bill 996; referred to Executive Committee - Senate Amendment No. 2 to Senate Resolution 21, and Senate Amendment No. 1 to Senate Bill 1105; referred to Financial Institutions Committee - Senate Amendment No. 1 to Senate Bill 209 and Senate Amendment No. 3 to Senate Bill 1044; referred to State Government Operations Committee - Senate Amendment No. 2 to Senate Bill 404, Senate Amendment No. 2 to Senate Bill 593, and Senate Amendment No. 1 to Senate Bill 777; and Be Approved for Consideration - Senate Amendment No. 3 to Senate Bill 423.

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PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR OBAMA:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, sir.

SENATOR OBAMA:

The -- I'm sorry. I'll come back to it.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right, Senator. Top of page 14 is Senate Bill 1099.
Senator Parker. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1099.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1099 amends the Juvenile Court Act. As amended, it makes various changes relating to permanency planning for juveniles. We are trying to speed up that process. It permits permanency goals to be ordered by a judge instead of DCFS. It shortens time frame for the first permanency hearing from sixteen to twelve months in Cook County and allows new system of court review of permanency in Cook County. Establishes qualifications and duties for hearing officers and requires hearings every six months. We hope that these policies will help speed up permanency placement for foster children in Cook County. And I would ask for a favorable vote, and answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the

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question is, shall Senate Bill 1099 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 1099, having received the required constitutional majority, is declared passed. Senator Obama, for what purpose do you rise, sir?

SENATOR OBAMA:

Thank you. I now have a purpose -- a point of personal privilege, please.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, sir.

SENATOR OBAMA:

The -- yesterday on Senate Bill 1000, I should have -- I was trying to vote Yes on this and I was recorded as a No. Just wanted to have that in the record.

PRESIDING OFFICER: (SENATOR MAITLAND)

The record will so indicate your intent, Senator Obama. Senator Demuzio, for what purpose do you arise, sir?

SENATOR DEMUZIO:

Earlier today we had Senate Bill 861. Apparently I was inadvertently voted No, and had I been there, I would have voted Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio, the record will so indicate your intent. Senate Bill 1100. Senator Cronin. Senator Cronin on the Floor? Senator Cronin. All right. Senate Bill 1101. Senator Rauschenberger. 1101, Senator? All right. Senator -- 1108. Senator Butler. Senate Bill 1109. Senator Klemm. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1109.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Yes. Thank you, Mr. President. Senate Bill 1109 is a shell bill, and it's pertaining to the Illinois counties having certain zoning authority with respect to telecommunications transmitting towers. We have a nineteen -- or, an eighteen-page draft that we've got an agreement with both sides of the issue that has to be signed off on in a couple counties. We have a couple other areas that we're discussing about population. We are in agreement with this, but in order to keep the process moving in the House, I'd like to ask that this continue its negotiation, pass the bill over to finish up the work that both parties have been working on on the telecommunications in the counties. So I do ask for your indulgence and to pass Senate Bill 1109.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 1109 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 53 Ayes, no Nays, one Member voting Present. Senate Bill 1109, having received the required constitutional majority, is declared passed. Senator Mahar, for what purpose do you arise, sir?

SENATOR MAHAR:

Purpose of an announcement.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, sir.

SENATOR MAHAR:

The Senate Environment and Energy Committee will meet at 5

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o'clock in Room 212 to consider committee amendments -- Floor amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you. Thank you. Senator Shadid.

SENATOR SHADID:

Mr. President, on Senate Bill 861 I inadvertently voted No. I intended to vote Yes. I wish you'd get the record corrected, please. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

The record will so indicate your intent, Senator Shadid. Senator Fitzgerald.

SENATOR FITZGERALD:

Yes. Mr. President, this is to announce a State Government Operations Committee meeting right after we adjourn here, and it will be in Room 400. Not our normal meeting please, which is A-1. Room 400 for State Government Operations.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR PETERSON:

Thank you, Mr. President. For the purposes of an announcement. The Revenue Committee will meet at 5 p.m. in Room 400 to consider Floor amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Thank you very much. Before I recognize the rest of the lights here, let me just indicate we are not finished yet, Ladies and Gentlemen. We are not finished. So don't -- don't take these announcements as a prelude to adjournment. Senator O'Malley, for what purpose do you rise, sir?

SENATOR O'MALLEY:

For announcement purposes, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your announcement.

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SENATOR O'MALLEY:

That the Financial Institutions Committee will meet tomorrow morning on March 20th at 8:30 a.m. in Room 400 to consider amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you. Senator Klemm, for what purpose do you arise, sir?

SENATOR KLEMM:

For the purposes of an announcement, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your announcement.

SENATOR KLEMM:

The Senate Executive Committee will meet at 4:30 in Room 212.
Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Thank you very much. Ladies and Gentlemen, for the purpose of expediting, obviously, our work tomorrow, it is necessary we're going to go through Senate Bills 2nd Reading for the final time. The final time. The final time. Be starting in just a moment. Ladies and Gentlemen, we also have some -- some recalls also that are -- that are ready, and we will do those when we complete the Calendar on 2nd Reading. Okay? Senator Jacobs, for what purpose do you arise, sir?

SENATOR JACOBS:

Just for the purpose of cleaning up the Calendar a little bit, too. I would like to have Senate Bill 156 re-referred to Rules.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs has moved to re-refer to the Committee on Senate Rules, Senate Bill 156. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the bill is so -- is referred -- is re-referred to the Committee on Senate Rules. Senator Lauzen, for what purpose do you arise, sir?

SENATOR LAUZEN:

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Let's see. To move 204 and 206 -- re-refer those back to Senate Rules.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen has moved that Senate Bills 204 and 206 - is that right, 204 and 206, Senator? - be re-referred to the Committee on Senate Rules. Those in favor, say Aye. Opposed, Nay. Ayes have it, and the bills are re-referred to the Committee on Rules. Senator Sieben, for what purpose do you arise, sir?

SENATOR SIEBEN:

For the same motion, Mr. President, to move Senate Bills 306, 604 and 674, to be re-referred to the Rules Committee.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben has moved that Senate Bills 306, 604 and 674 be re-referred to the Senate Committee on Rules. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the bills are re-referred to Senate Rules Committee. All right, Ladies and Gentlemen. Senate Bill 664. Senator Butler. Last time. Okay. Senate Bill 686. Senator Walsh. All right. Senate Bill 912. Senator Berman. Is Senator Berman on the Floor? Last time. Senator Berman. All right. Okay. Out of the record, Madam Secretary. Senate Bill 922. Senator Shadid. All right. All right, Ladies and Gentlemen, Senate Bills 3rd Reading. Senate Bill -- for the purposes of recall. Senate Bill -- Senate Bill 85. Senator Donahue, do you wish this bill returned to the -- to 2nd Reading for the purpose of an amendment? Senator Donahue seeks leave of the Body to return Senate Bill 85 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave -- is leave granted? Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 85. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

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Amendment No. 1, offered by Senator Donahue.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue. Senator Donahue.

SENATOR DONAHUE:

Sorry. The light wasn't on. Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment takes care of the concern that was raised in committee. It removes the words "horseplay" and "frolicking". That's what it does, and I would ask for your approval.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there discussion? Is there discussion? If not, Senator Donahue moves the adoption of Floor Amendment No. 1 to Senate Bill 85. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. On top of page -- on page 6 is Senate Bill 423. Senator Fitzgerald, do you wish this bill returned to -- to 2nd Reading for the purpose of an amendment? Senator Fitzgerald has -- does seek leave of the Body to return Senate Bill 423 to the Order of 2nd Reading for the purpose of an amendment. Leave granted? Leave is granted. There is no objection. On the Order of 2nd Reading is Senate Bill 423. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Rauschenberger {sic}.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger. Senator Rauschenberger. Senator Fitzgerald, to handle the amendment for Senator Rauschenberger. Senator Fitzgerald. I'm -- okay. Time out. Senator

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Rauschenberger, you have the first amendment on this bill. All right. Senator Rauschenberger, on -- on Committee Amendment -- on Floor Amendment No. 2. Senator Fitzgerald, on -- on Floor Amendment No. 2. Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you. This is the community college retirees health insurance. Senate Amendment No. 2 removed the City Colleges of Chicago out of the bill in order to gain -- it gains the IFT's support on the bill, and it also changed the implementation date to be allied with the State's fiscal year.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there discussion? Is there discussion? If not, those in favor of Floor Amendment No. 2 to Senate Bill 423, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

Amendment No. 3, offered by Senator Fitzgerald.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

SENATOR FITZGERALD:

Yes. This was a strictly technical amendment that added a date that was left out. And that's -- that's all.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there discussion? If not, Senator Fitzgerald has moved the adoption of Floor Amendment No. 3 to Senate Bill 423. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

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3rd Reading. All right. On Senate Bills 3rd Reading is Senate Bill 436. All right. Senate Bill -- Senate Bill 557. Senator Cronin, do you wish this bill returned to 2nd Reading for the purpose of an amendment? Senator Cronin seeks leave of the Body to return Senate Bill 557 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Hearing no objection, leave is granted. Senate Bill 557 is on the Order of 2nd Reading. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Cronin.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is an amendment that was worked with the teachers' union, the Illinois Education Association and the school management group with the State Board of Education. This, I think, improves the bill and it makes a number of different changes. Changes the name of the program from Alternative Teacher Certification Program to Alternative Route to Teacher Certification program. Very important change. Requires program participants to, in addition to having a bachelor's degree, having been employed for a period of at least five years in an area requiring application of the individual's education. That kind of fulfills the intent of the legislation in that there are these individuals out there that have a bachelor's degree, and they have valuable work experience, who want to get into the teaching profession, but the -- the -- the route to teacher certification is too burdensome. That fulfills that intent, and the "route" is an accurate way to describe it. It also says that it provides that when a program participant is assigned to a classroom full time for the first

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year, that person must be assigned a mentor teacher to advise and assist the person with their assignment. This is something that really goes above and beyond the current teaching certification requirements. Fourthly, it provides that upon successful completion of the one-year full-time assignment in a classroom, program participants shall be awarded a regular teaching certificate, rather than a standard alternative teaching certificate. So they're getting a for-real, one-hundred-percent-value teaching certificate, and that's good. And finally, it repeals the language that passed for Chicago only in the Veto Session, so this bill will govern alternative certification statewide. I ask for your favorable consideration. This is one component in many that are needed to reform our educational system in this State. Thank...

END OF TAPE

TAPE 5

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If -- if not, Senator Cronin moves the adoption of Floor Amendment No. 1 to Senate Bill 557. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Any further business to come before the Senate? Any further announcements? If not, Senator -- Senator Cronin, for

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what purpose do you arise, sir?

SENATOR CRONIN:

For -- for purposes of an announcement, please.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your announcement.

SENATOR CRONIN:

The Senate Education Committee shall meet tomorrow morning.
Tomorrow morning at 8 a.m. in Room 212.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Thank you. Is there any further business to come before the Senate? If not, Senator Myers moves that the Senate stand adjourned until 9 a.m., Thursday, March 20th. Senate is adjourned.

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