

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

92nd Legislative Day

April 2, 1998

PRESIDENT PHILIP:

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

PASTOR BILL DAVIS:

(Prayer by Pastor Bill Davis)

PRESIDENT PHILIP:

Please remain standing for the Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Tuesday, March 31st and Wednesday, April 1st, in the year 1998, be postponed, pending arrival of the printed Journal.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

Senator Fawell, Chair of the Committee on Transportation, reports Senate Amendment 1 to Senate Bill 1293 Be Approved for Consideration.

Senator Butler, Chair of the Committee on Local Government and Elections, reports Amendment 1 to Senate Bill 1290 and Amendment 3 to Senate Bill 1702 both Be Adopted.

Senator Burzynski, Chair of the Committee on Licensed Activities, reports Amendment 2 to Senate Bill 1491 and Amendment

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3 to Senate Bill 1585 Be Approved for Consideration.

Senator Sieben, Chair of the Committee on Agriculture and Conservation, reports Amendment 2 to Senate Bill 1707 Be Adopted.

Senator Syverson, Chair of the Committee on Public Health and Welfare, reports Amendments 2 and 4 to Senate Bill 1339 Be Adopted.

And Senator Cronin, Chair of the Committee on Education, reports Amendment 4 to Senate Bill 1561 and Amendment 4 to Senate Bill 1610 Be Adopted.

PRESIDENT PHILIP:

Messages from the House.

SECRETARY HARRY:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bills 174, 2375, 2469, 2605, 2650, 3063, 3806, 3807, 3808, and 3809.

We have a like Message on House Bills 2652, 2724, 2746, 2805, 2884, 2896, 3127, 3447 and 3790.

A Message on House Bills 2370, 2607, 2688, 2716, -- or, 3431, 3461, 3556, 3581, 3665, and 3811.

And a Message on House Bill 3559.

All passed the House, April 1st, 1998.

PRESIDENT PHILIP:

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 3000, offered by Senator Hawkinson.

(Secretary reads title of bill)

House Bill 3055, by Senator Larry Walsh.

(Secretary reads title of bill)

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House Bill 3063, Senator Halvorson {sic} (Hawkinson).

(Secretary reads title of bill)

Senator Maitland offers House Bill 3249.

(Secretary reads title of bill)

And House Bill 3377, Senator Parker.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR MAITLAND)

Ladies and Gentlemen, if I could have your attention, please, those on the Floor and those in your offices. We are going to do recalls immediately. If any of you have bills on -- have amendments that are filed and need to have those bills recalled, this will be the last time. All right. Ladies and Gentlemen, Senate Bills 3rd Reading. We're going to be doing recalls. With leave of the Body, we'll return to Senate Bill 1265. Leave is granted. Top of page 3. Senate Bills 3rd Reading. Senate Bill 1290. Senator Peterson, do you wish this bill returned to the Order of 2nd Reading for the purpose of amendment? Senator Peterson seeks leave of the Body to return Senate Bill 1290 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 1290. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Peterson.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President, Members of the Senate. Amendment 1 becomes the bill. It authorizes county boards to prescribe capital facilities for schools in any map or plat. In no event shall the developer's donation of school land or capital

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facilities exceed the proportionate share of costs to a district that is specifically and uniquely attributable to the subdivision. If any portion of a donation is not expended for public school purposes within ten years after the final plat approval, it shall be refunded to the developer. Refunds must be requested by developers in the eleventh year following payment. "Capital facilities donations" means a cash contribution to cover costs associated with school structural improvements. I ask for approval of Amendment 1.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Top of page 3. Senate Bill 1293. Senator Fawell seeks leave of the Body to return Senate Bill 1293 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 1293. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is the amendment that becomes the bill. The -- it adds language which allows a licensed trailer dealer to sell a mobile home or manufactured housing if the mobile

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home or manufactured housing is not located on the dealer's lot, as long as the utilities are permanently attached.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there any discussion? 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, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. All right. All right. Senate Bill 1339. Senator -- Senator Karpiel, do you wish this bill returned to the Order of 2nd Reading for the purpose of amendment? Senator Karpiel seeks leave of the Body to return Senate Bill 1339 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1339. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Karpiel.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. Floor Amendment No. 2 to Senate Bill 1339 becomes the bill. The amendment was requested by the Department of Children and Family Services, and I would -- I'll briefly explain the amendment but will go into detail on 3rd Reading because it's quite lengthy. It implements -- this amendment implements provisions of the Federal Adoption and Safe Families Act of 1997, which passed the federal level in November. We have -- Illinois has until July of this year to implement the changes in our laws to bring us into compliance with the new

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federal law. That's what this amendment does, and it also contains clean-up language to the permanency initiative, which we passed last year. And finally, it contains additional Department initiatives.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there 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, Mr. Secretary?

SECRETARY HARRY:

Amendment No. 4, offered by Senator Karpiel.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. Amendment No. 4 specifies that if the State's Attorney determines that DCFS's request for filing a petition to terminate parental rights meets the statutory requirements, then the State's Attorney shall file the petition as requested. The current language requires the State's Attorney to file a petition in the -- if the Department's request meets the statutory requirements. I believe this language was requested by the Cook County State's Attorney's Office to clarify who makes the final -- determination of whether or not to file a petition for termination of parental rights.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there discussion? Is there discussion? If not, Senator Karpiel moves adoption of Amendment No. 4 to Senate Bill 1339. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported.

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PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Bottom of page 3. Senate Bill 1491. Senator Philip seeks leave of the Body to return Senate Bill 1491 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 1491. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Philip.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Amendment No. 2 becomes the bill, amends the Medical Practice Act to stipulate when an out-of-state physician comes in -- into Illinois to get licensed that we do, he is subject to, or she is subject to, a criminal background check. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? If not, Senator Philip moves adoption of Floor Amendment No. 2 to Senate Bill 1491. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary.

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Top of page 4. Senate Bill 1561. Senator Cronin seeks leave of the Body to return Senate Bill 1561 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 1561. Mr. Secretary, are there any Floor amendments

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approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Luechtefeld.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Luechtefeld. Senator Luechtefeld, to explain your amendment.

SENATOR LUECHTEFELD:

This particular amendment simply raises the debt limit for De Soto Grade School from the 6.9, which is the State limit, to, I think, around fifteen percent.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Luechtefeld has moved the adoption of Amendment No. 2 to Senate Bill 1561. All those -- all those in favor, signify by saying Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Cronin.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Floor Amendment No. 3 comes to us from the Illinois Community College Trustees Association and the esteemed College of DuPage. The amendment clarifies the rights of community college boards to dismiss nontenured faculty members. The faculty at College of DuPage, where this issue arose, is represented by the Illinois Education Association. They participated in negotiations with -- about this bill and they are in agreement. I know of no opposition. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, Senator



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Cronin has moved the adoption of Floor Amendment No. 3 to Senate Bill 1561. Those in favor will say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

Amendment No. 4, offered by Senator Cronin.

SENATOR CRONIN:

Yes. Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment deals with the Chicago School Finance Authority. As you may recall in the Chicago school reform bill of 1995, we had suspended the powers and responsibilities of that entity through 1999. Because things are going along in Chicago schools so well and the management team is accomplishing so much, we felt it necessary to further suspend the School Finance Authority powers and responsibilities to the year 2004. I know of no opposition. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? If not, Senator Cronin has moved the adoption of Floor Amendment No. 4 to Senate Bill 1561. Those in favor will vote Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR MADIGAN:

Thank you, Mr. President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

Please state your point.

SENATOR MADIGAN:

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Visiting with us this morning in the visitor's gallery is a group of government students from Illini Central High School, and their teacher, Laura Schonauer, and I'd like them welcomed to the Chambers.

PRESIDING OFFICER: (SENATOR MAITLAND)

Will our guests in the galleries please rise and be recognized by the Senate? Welcome to Springfield. All right. Middle of page 4 is Senate Bill 1585. Senator Karpziel. Senator Karpziel seeks leave of the Body to return Senate Bill 1585 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1585. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Burzynski.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Floor Amendment No. 3 is an agreed-to amendment between the nurses and the doctors relative to the advanced practice nursing profession.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, Senator Burzynski moves adoption of Floor Amendment No. 3 to Senate Bill 1585. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 1610. Senator O'Malley. Senator O'Malley seeks leave of the Body to return Senate Bill 1610 to the

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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 1610. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 4, offered by Senator O'Malley.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate -- Senate Amendment No. 4 reinitiates the IGAP Review Committee that was originally established in 1995. If there're any questions, I'd be happy to answer them.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, Senator O'Malley moves adoption of Floor Amendment No. 4 to Senate Bill 1610. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Ladies and Gentlemen, let's do our best to hold the noise down. We -- we have a lot of work to do this morning before we leave on Easter break, and -- and we're going to really insist that -- that the noise level stay at a -- at a slightly lower tone, if you would, please. Bottom of page 4. Senate Bill 1628. Senator Cullerton. Senator Cullerton seeks leave of the Body to return Senate Bill 1625 {sic} to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill -- I beg your pardon. That's 1628, Mr. Secretary. Senate Bill 1628. Senator

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Cullerton. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 4, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill's been the subject of negotiations between trial lawyers, representatives of municipal -- municipalities and park districts. It deals with the issue of tort immunity, and what we've decided to do with this amendment is to make the bill a shell bill, because we are very close to an agreement but not yet ready. So we'll send it over to the House. We'll put the agreement on in the House, then come back for concurrence. So, for that purpose, I would like to adopt this amendment to make the bill a shell bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there discussion? Is there discussion? If not, Senator Cullerton moves adoption of Floor Amendment No. 4 to Senate Bill 1628. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Top of page 5 is Senate Bill 1702. Senator Butler. Senator Butler. Senator Butler seeks leave of the Body to return Senate Bill 1702 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 1702. Mr. Secretary, are there any Floor amendments approved for consideration?

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SECRETARY HARRY:

Amendment No. 1, offered by Senator Butler.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Butler.

SENATOR BUTLER:

Thank you very much, Mr. President. Amendment No. 1 merely clarifies the requirements for a State convention of a political party so that they do -- or, they must hold the convention within one hundred and eighty days of the primary.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, Senator Butler moves adoption of Floor Amendment No. 1 to Senate Bill 1702. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

Amendment No. 3, offered by Senators Link and Butler.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Link. Senator Link.

SENATOR LINK:

Thank you, Mr. President. Basically what this amendment does is allow that downstate county chairmen of the Democrat or Republican Party when filling a vacancy for a State central committeeman can cast a weighted vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, Senator Link has moved the adoption of Floor Amendment No. 3 to Senate Bill 1702. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported.

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PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill... With leave of the Body, we will return to Senate Bill 1707. All right. Ladies and Gentlemen, we're going to be taking up the Order of Constitutional Amendments. As you all know, we have three -- three to deal with this morning, and let me -- let me read a statement to you, if I might. "Due to a clerical error, Senate Joint Resolution, Constitutional Amendment, 57, as amended, appears on today's Calendar on the Order of 2nd Reading. In fact, that Senate Joint Resolution, Constitutional Amendment, 57, as amended, was read in full for a second time yesterday. On the Supplemental Calendar that you have on your desks, Supplemental Calendar No. 1, is Constitutional Amendments 3rd Reading Senate Joint Resolution, Constitutional Amendment, 57, as amended." We will dispense with the constitutional amendments that appear on the Calendar today, and then return to Senate Joint Resolution, Constitutional Amendment, 57, as amended. Page 13 of the Calendar is the Order of Constitutional Amendments. Senator Cronin, do you wish Senate Joint Resolution, Constitutional Amendment, 52 considered? Mr. Secretary, read the resolution.

SECRETARY HARRY:

Senate Joint Resolution, Constitutional Amendment, 52, offered by Senator Cronin.

(Secretary reads SJRCA No. 52)

3rd Reading of the resolution.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin. Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This constitutional amendment, which should appear on the ballot in November, I think will renew the public trust in the Illinois judicial system. I think it will create further citizen

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input and participation in government and in an honest and unbiased judicial system. I think this amendment will assure that information about the procedures adopted by the Courts Commission is readily available. It'll maintain an impartial judiciary and it'll allow for the objectivity of the Commission to be maintained and improved through recusals and designation of alternative -- alternate members. Senate Joint Resolution, Constitutional Amendment, 52 simply adds two people to the Courts Commission. And as many of you know, the Courts Commission is the body that sits in judgment over cases that are brought to it by the Judicial Inquiry Board. So there's two entities. Judicial Inquiry Board that investigates and prosecutes issues of judges: judges' misconduct or judges' improper conduct. They bring that to the Courts Commission. The Courts Commission has been a five-member commission comprised of judges and lawyers. We now want to inject a little more democracy into the process, give the Governor an opportunity to appoint two citizens that don't need to be lawyers or judges. And I think that this is an appropriate balance and I think it will accomplish the goals that I said at the outset. I'd be happy to answer questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in support of SJR, Constitutional Amendment, 52. We all watched very closely the debate last year regarding accusations involving one of our Supreme Court justices, and regrettably I, as a lawyer, Senator Cronin, as a lawyer, many of us have been putting up with all the jokes about lawyers that we hear day to day to day. The reason I strongly support this constitutional amendment is that it does, for the Illinois Courts Commission what we have already done for many of the regulatory bodies that supervise other licensed

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professions in Illinois, and that is, adds two public members to that body. I think that this would be an important step to upgrading the public's perception of the judiciary. Those of us who practice in the courts recognize that virtually every judge works very hard. They're dedicated. They're talented. They're committed. But that's not the kind of picture, necessarily, that the public gets, and I think that this step will not hurt the judiciary but will help the judiciary and help the perception of the public in relation to our court system. So I stand up in strong support of this -- proposed constitutional amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins. Senator Petka.

SENATOR PETKA:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Petka.

SENATOR PETKA:

Senator Cronin, during the course of your explanation, you indicated that there would be two citizens who would be selected by the Governor. Will those citizens be subjected to the approval of the Senate by a confirmation process?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

I don't think so. No, they won't be.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator, now, Senator Berman alluded to placing of two individuals from the public sector on other bodies in the State. But isn't it fair to say that in those instances, that the Senate has a -- has the power to -- to reject the appointment or the



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nomination that has been made by the Governor in connection with that particular body?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Senator Petka, you raise a very challenging point, and you're correct - at least I think you're correct. I don't know every commission and committee that has some sort of responsibility, whether or not the Senate approves every public member. I don't know the answer to that question, but I do know that we have considerable amount of input with -- with public appointees.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator, with -- with all due respect, one of the reasons that the Senate here in the State of Illinois, and for that matter, in Congress in Washington, the United States Senate, takes a look at nominations is to provide one further check in connection with the qualifications for people who are chosen to sit on a body, especially with a body that has the opportunity to -- to really create some serious problems in our -- in our system of justice.

PRESIDING OFFICER: (SENATOR MAITLAND)

That -- that was a statement, Senator...

SENATOR PETKA:

It was, yes. Senator, do you feel that there should be a direct nomination as -- without having the -- the check and balance that might be provided by this august Body in dealing with the confirmation?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Senator Petka, I -- I would be supportive of a constitutional

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amendment that included approval of the Senate necessary for an appointed member to take a seat on the Commission. And as you know, there have been a number of different proposals out there from various reform groups seeking to change the composition of the Courts Commission, seeking to change the processes of the Judicial Inquiry Board. This constitutional amendment proposal comes from the Governor's Office, and my feeling is, is that it's probably too late to change it at this point. But I do feel comfortable enough with it. With all the other powers that the Senate and the Legislature has for purposes of impeachment and removal of any justice, appropriations, it seems to me that we still have a considerable amount of influence over the process. Perhaps your suggestion would be a good one. I don't know how or when we'd be able to include it, but I'd certainly be willing to work with you on it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. I just want to ask a couple questions of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Molaro.

SENATOR MOLARO:

How may -- how many votes -- well, maybe this is a question of the Chair. How many votes does this resolution need today to pass this Chamber?

PRESIDING OFFICER: (SENATOR MAITLAND)

It -- it takes thirty-six.

SENATOR MOLARO:

Okay. Does the -- if -- I assume it has to be passed by the House, and then does the Governor have to sign it like he would any other bill?

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PRESIDING OFFICER: (SENATOR MAITLAND)

I don't believe the Governor has to -- it has to pass both houses.

SENATOR MOLARO:

Okay. Then when it gets on the ballot in November, what would be the mechanics of that, as far as how many votes would it need? Is it a percentage of those voting, a percentage of -- of voters on the rolls? I mean, what -- what would it need then, in November?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

I am reliably advised that it would -- the standard is three-fifths of those voting, sixty percent of those voting would have to approve it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Just to clarify the record here. In response to Senator Molaro's question, the standard is three-fifths of those voting on the amendment or a -- a majority of those voting in the election. So it's two different, I guess. Three-fifths of those who vote on the actual amendment, or a majority of those who vote in the election. So if you come out and vote in the election, but you choose not to vote on that particular -- so a lot of people don't vote for constitutional amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

Okay. Well, Senator Hawkinson was shaking his head. So as long as he understands it, I'm fine. He'll explain it to me later. But, then, if it's done and if it does get the sixty

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percent, is it automatically become law, or then does the Governor become -- I just want to know the mechanics in case we're asked questions on it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Automatically adopted, becomes part of the Constitution.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR CRONIN:

Thank you, colleagues. We have discussed this and I think everyone is pretty well versed at the issue. There was some reference made to the incident that happened last Session regarding our chief justice at the time. And I -- I think that, if I may say, we all have respect for judges and we have many esteemed colleagues that are on the bench, but I couldn't agree with my Senator from across the aisle that this really, I think, instills a greater confidence in the judiciary. I think it heightens the respect that we have for those men and women, and I think that this deserves your favorable support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin has moved the adoption and approval of Senate Joint Resolution, Constitutional Amendment, 52. The question is, shall Senate Joint Resolution, Constitutional Amendment, 52 be adopted and approved. Pursuant to the -- to Section 2 Article XIV of the Illinois Constitution, amendments must be approved by three-fifths of the Members elected. 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 58 Ayes, 1 Nays, no Members voting Present. Senate Joint Resolution,

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Constitutional Amendment, 52, having received a three-fifths constitutional majority, is declared passed. All right. Bottom of page 13. Senate Joint Resolution 55. Senator Petka. Senator Petka, do you wish Senate Joint Resolution, Constitutional Amendment Resolution considered? Mr. Secretary, read the resolution.

SECRETARY HARRY:

Senate Joint Resolution, Constitutional Amendment, 55.

(Secretary reads SJRCA No. 55)

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. SJRCA 55, the Constitutional Amendment, attempts to rectify an error that the Supreme Court pointed out in the case of Cincinnati Insurance Company versus Chapman, where the Judicial Redistricting Act of 1997 was declared to be unconstitutional. Many of you may remember that this was legislation which attempted to divide the Supreme Court into three subdistricts in the County of Cook. Under the Constitution, which was adopted in 1970, the -- the County of Cook is entitled to an election, which basically states that three Supreme Court Justices can be elected at large. What this -- the end result of an at-large election in Cook County yields a result that a citizen who happens to live in the County of Cook may cast three votes for three-sevenths of the Supreme Court; however, those of us who live downstate will elect only one Supreme Court Justice. As a matter of fundamental fairness, it is my opinion that a better way can be found to ensure that each individual in the State, in casting their vote, has their vote equally weighted throughout the State. Thus, by dividing the Supreme Court into electoral districts in the County of Cook, any person living within that electoral district will have exactly the

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same vote for a Supreme Court Judge as any other citizen residing in the rest of the State outside of Cook County. Very simply and succinctly, that's the reason for the Constitutional Amendment. It is a matter of fundamental fairness.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to SJRCA 55. When the sponsor talked about basic fairness, I would suggest to you that what we probably ought to do, then, is to suggest that all the seven Supreme Court Members be elected statewide. Because if you start to look at numbers, you will see that, under the district method of election, people outside of the collar counties probably elect more Supreme Court Justices than their numbers justify. But that's not before us, and I'm not sure I would even recommend that. But if you're just looking at numbers, it doesn't necessarily make sense to adopt 55 or to keep even the present system. We have looked at the debate that went on in the Constitutional Convention of -- for the 1970 Constitution, and it was debated intensively by that Convention as to whether Cook County should be one district electing three justices or should be divided. And interestingly, and I think each one of us can recognize this, part of the debate during the 1962 Constitutional Convention was a discussion that Cook County really was entitled, because of its numbers, to four justices, not just three. But, through negotiations, it was decided that Cook County would, in fact, have only three elected countywide, and downstate - everybody outside of Cook - would elect the other four. That was a process that each one of us can identify with, as far as negotiations regarding legislative or even constitutional mandate. In Cook County, I will tell you that whether you're on the north side, the west side or the south side

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of Cook, a single judicial process exists under the auspices of the Circuit Court of Cook County. There isn't much difference, I would suggest to you, between justice north, south or west. And there shouldn't be. This kind of a proposal would be very divisive, and it ought not to be supported by those of us who want to bring people together on behalf of three candidates for the Illinois Supreme Court that will best represent all the people of Cook County. That's the process we have had for many years and that's the process that I would urge continue in Cook County, and that is why I call for a No vote on this proposal.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR PETKA:

Well, thank you very much. The Senator has delved into constitutional history. I would simply point out that there are a number of ways of remedying the situation in connection with Cook County. One could be, very simply, that if the Senator was willing to join with me, perhaps down the road, a constitutional amendment that increases the number of Supreme Court Judges to nine, as we have in the United States Supreme Court - have four elected out of Cook County, which was a suggestion, and five downstate. You could then also argue, Senator, using your logic, that if we are not to be divisive in connection with these elections, that perhaps all four downstate judges should be elected at large from -- in the other one hundred and one counties. However, it seems to me that the proposal that we have before us is -- is a very elementary and very simple proposition. If this -- if this measure passes by the constitutional prerequisite of three-fifths, we will let the voters of the people of Illinois decide whether, in 1998, that we should have fair and equal representation, that each and every vote that is cast simply means something, that we should have an application in the State

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of Illinois of one man/one vote. Right now someone living in Cook County votes for three times -- their vote is weighted three times the weight that is accorded to any person who is living downstate. I think that's simply wrong. I believe that if we are truly to practice the -- the equal protection of our laws, that we should adopt this Constitutional Amendment and once again let the people of this sovereign State of Illinois decide how their courts, and the court system of the State of Illinois, should be selected. With that, Mr. President, I strongly urge the adoption of this Constitutional Amendment. It's the fair and right thing to do.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka has moved the adoption and approval of Senate Joint Resolution, Constitutional Amendment, 55. The question is, shall Constitutional Amendment, Senate Joint Resolution 55 be adopted and approved. Once again, pursuant to Section 2, Article XIV of the Illinois Constitution, amendments must be approved by three-fifths of the Members elected. 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, 28 Nays, no Members voting Present. Senate Joint, Constitutional Amendment, No. 55 failed to received the three-fifths constitutional majority and is declared lost. All right. Ladies and Gentlemen, as I mentioned earlier there -- you have a Supplemental Calendar on your desks. There was a clerical error on -- on this Senate Joint Resolution, so we will now move to Supplemental Calendar No. 1. Senate Joint Resolution, Constitutional Amendment, 57, as amended. Senator Klemm, do you wish this joint resolution considered? Mr. Secretary, read the resolution.

SECRETARY HARRY:

Senate Joint Resolution 57, Constitutional Amendment, as



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amended by Senate Amendment No. 1.

(Secretary reads SJRCA No. 57)

3rd Reading of the resolution.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You know, it seems like every day we go -- families in Illinois have to work harder to make ends meet. We have families that are really having to go to the workplace because they're trying to keep their families surviving because of the burdens of not only the cost of living, but because of the taxes that government imposes. I think it's in the middle of May or the close -- the end of May where we have the tax freedom day, where people finally get a chance to start saving for themselves. Well, here in Illinois, we're no different and our taxpayers and our families and our businesses that are struggling to do it. And for an important measure, such as this constitutional amendment addresses, of increasing State income taxes or State sales taxes, I think, and I think the majority of voters believe, that we need an extraordinary supermajority vote. This constitutional amendment would put that question before the voters to determine if, in fact, three-fifths vote required in the House and the Senate to pass a bill that would increase those income taxes and sales taxes is required. I think it's something we should give the voters a chance to address. This issue is not a new issue. As you know, there are over fourteen states that have a supermajority requirement on this very issue. So, Illinois will not be leading, unfortunately, this movement, but it certainly can join the other states and the thousands and millions of people across the United States that feels it's time that we live within our means and we resolve the issue of this major tax increases by

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a supermajority. And I'll be delighted to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Collins.

SENATOR COLLINS:

Senator, I -- I'm not going to oppose this resolution, but I do think you should have -- we should have had an opportunity for more discussions in the committee on it. It came down at the last minute. We were not able to have time to actually look and digest the amendment. I'm going to support the resolution because of the basic concept that it poses, and that is, is to give some benefits to -- or, protection to the people out there over our just raising their taxes willy-nilly. So I will support the resolution.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Contrary to what my colleague and my seatmate -- I rise in strong opposition to this proposition. And I would point out that this requires a three-fifths vote to increase either the income tax or sales taxes. Why don't we make it a four-fifths vote? Why don't we make it unanimous? At some point, it allows and thwarts the will of the majority and allows the minority to have a significant impact into the legislative process, and I'm not quite sure that the makers of the Constitution had that in mind, either at the federal level or the State level, when they talked about a majority vote of the Chambers. In looking back at the previous history of tax increases in Illinois, I guess the most significant tax increase was the one that we passed, Senate Bill 937, by Senator Philip and Senator {sic} Daniels, Public Act 89 -- 88-89, that dealt with the -- the surtax. That vote received thirty-eight, which obviously is more than a three-fifths majority. And in looking back at all these most significant tax

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increases that the General Assembly has passed since - and I'm only going by this sheet - at least since back through 1993, all of them have had a -- more than a three-fifths vote. Matter of fact, Senator Maitland, you had one in 1993. While, of course, that was the breast and cervical cancer research checkoff fund, on that received forty. That's not really the one I was talking about. But the fact of the matter is, is that if I have thirty votes on this side of the aisle -- well, let's say it this way: You have thirty-one on the other side and you would need five to do anything that you wanted to do with respect to sales taxes or income taxes. So that means you've got to come over here and talk to five people over here to figure out what they want in order to vote for your bill in order for it to be thirty-six. Well, my guess is, this thing's -- by the time you pass a tax increase, it's going to get loaded up like a -- one of those huge airplanes that's probably never, ever going to get off the ground. You're going to have to make all kinds of deals for bridges and roads and all kinds of other things. You're also increasing the fee schedule here. In increasing the fees, I noticed that there are -- I also notice that it would take a three-fifths vote to increase the accident report fee, the Lottery agent license fee, the carnival amusement ride inspection, pilot registration, a permit fee of any kind, voter registration tape fees, and the list is endless. I think this is bad legislation. This brings government to a screeching halt, and at no time should any minority thwart the will of the majority. And, unfortunately, I'm talking from the posture of being in the minority, but one day we will be back in the majority and -- and we ought not to be thwarted by your will either.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver.

SENATOR WEAVER:

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I would move the previous question.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver has moved the previous question. There are one, two, three, four, five, six, seven speakers. Senator Jacobs.  
SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'd just like to make a comment and then ask a couple of questions. I would agree with Senator Demuzio, from the position that I'm not sure if this amendment is truly needed, because as we have passed tax increases throughout this Body, they almost always carry an extraordinary majority just on their merits, because we know how we're going -- what we're going to raise and how we're going to spend the money. So I don't know if a constitutional amendment is needed, but I do have a question of the sponsor, a couple of them really. One, how do you define a tax increase? Do we include fees as an increase? Do we include mandates that we mandate to local government? How far does this go into the extraordinary majority, Senator?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Well, it -- it's based on the rate and not on fees, so the previous speaker was incorrect when they gave all that litany of bills or fees or services that would be requiring a three-fifths vote. That would not be correct. So, it's based on the rate.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

So we will -- we will still be able to pass on tax increases through mandates to our local government without the extraordinary majority, is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Klemm.

SENATOR KLEMM:

That's covered under our State Mandates Act, of course, which I'm sure you supported along with all of us over here.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

That -- that doesn't always require a three -- three-fifths vote, Senator. So where do we draw the line? I -- I think that's where a lot of us on this side of the aisle, including myself -- I don't know exactly what we're talking about if this amendment is passed. I don't know how much it ties our hands, and I think that's -- that's one of the onerous things of this issue.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, my computer here is all goofed up, so I -- just like to ask a question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Does your -- is it your amendment that says that in order to pass any tax increases we need a three-fifths vote?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

No, it's -- it's limited to a tax on income and sales. It's limited to those areas, and it would require a three-fifths vote. Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

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Well, Mr. President and Ladies and Gentlemen of the Senate, I don't think there's anything wrong -- anything wrong with this amendment. The people back home are clamoring for this type of an amendment, and I think it should be left up to the people to make the decision. After all, we are the ones who get all of the brick bats when these taxes are passed, so I think the sensible thing to do is support this amendment and let it go to the people.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield. Senator Molaro.

SENATOR MOLARO:

Does this affect any local taxing bodies?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

No.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

You know, this -- this may be -- and we -- we have no idea how this is going to turn out. Find it pretty strange that we're in the minority and here's a bill that requires three-fifths and we'd say, "Well, hey, wait - that makes us a player." But obviously, for the good of the Body, we have to discuss this and I don't think where the three-fifths come from matters in this bill. What -- the point I'm trying to get at would be that if you say you cannot increase income or sales tax, we obviously are going to have to -- there may be times in our economy that's not as robust - we don't have a surplus - we're going to have to increase

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something. So by doing this, this makes it very difficult to do sales and income, but it doesn't make difficult to do the other things. We don't stop locals. So if we're going to need money and it's not going to come from us, you're going to have the locals starting to boost up property taxes. This more or less kills this education swap, if that was ever going to take place. You're going to looking more towards fees. Even though this doesn't talk about fees, now we're going to be raising fees, because, you know, water -- I don't know - what's the saying? - water finds the easiest route. So we won't -- we won't go to sales or income taxes. This puts a bigger burden on every other type of tax. I mean, the three-fifths majority, I guess, is to make it more difficult. I guess that's the idea. Now, you didn't make it seventy-five percent because I think even the crafters of the bill realized there may be a time when we do have to pass an income tax increase. If we thought we should never do it, obviously it would be a hundred percent. So what I -- I guess the last comment I'll make is, if we have to run on our record and it still needs thirty or a simple majority, there are so many people who run in primaries today that vow that they will not raise taxes. Especially on your side of the aisle, it's a little tougher, you know, on Republican territory, not to do that. So you make these vows, and obviously we all try to live up to our promises. So if we make this vow in a Republican primary or Democratic primary and we win, we're stuck with our promise never to raise taxes, and then we now are boxing ourselves in a position that we have to go to the people who've made this vow and it almost make it next to impossible. So I think this may be a recipe for disaster. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Jones.

SENATOR JONES:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Jones.

SENATOR JONES:

Senator, you indicated that this -- this constitutional amendment is just limited to sales tax and income tax. Could you tell the Body why you did not include the fees as a -- placed in the three-fifths vote requirement as such?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Well, I tried to limit it to -- so that, obviously, we don't affect every tax. I knew, certainly, we'd have more support on the larger taxes, which would be the income or the sales tax. So this is more narrow than other proposals that have come before us in the past. I think it's a beginning. I think our taxpayers are looking for this leadership that I'm sure you'll -- you'll provide along with our side of trying to do it. And these are the two most onerous, I think, if you will, because they're the largest tax increases that affect most families across Illinois and most businesses across Illinois. And those are the ones I picked.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones.

SENATOR JONES:

Well, no, as I look at our analysis, according to the Comptroller's report, the fees are the fourth-largest revenue growth here in the State of Illinois. The fourth-largest. So what you are excluding impacts automobiles, license plate fee, registration fees, all these different fees. Sometimes they may be risen a hundred, two hundred percent. So if you're -- you're really sincere about cutting, then you would have included them in there, if you were genuinely sincere about doing what you said you



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wanted to do. And -- but as I look at the bill in the Section that's contained here, Section 8.1, and it is really technically flawed, in that, you know, the Constitution also required that it be underlined. It should be underlined and it is technically flawed, and I don't think it will go anywhere. And if it happens to get out of here -- if it happens to get out of here, it's probably dead on arrival just because it is technically flawed. It should be underlined and it is not underlined. But in attempting to do what you are -- say you're going to do, I noticed that the so-called tax accountability amendment and the things that you guys are trying to push, even your -- the Secretary of State indicated he wouldn't sign any pledge not to raise taxes or do anything of that nature. And here you come forward with this amendment - and I think we should quit playing games with the voters across the State of Illinois - but if you are genuinely sincere about -- cutting taxes and requiring three-fifths vote to raise any tax, you would have included the fees that which is -- which grow faster than any other revenue source in the State of Illinois. So, again, it is technically flawed and I urge a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Fitzgerald. Senator Fitzgerald, your light was on. All right. All right. Senator Klemm, to close. Well, Peter's not on the Floor. Senator Klemm, to close.

SENATOR KLEMM:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Excuse me, Senator Klemm. Senator Demuzio, for what purpose do you arise, sir?

SENATOR DEMUZIO:

I guess to speak a second time.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Well, sir, the previous question had been -- motion had been -- had been raised, and...

SENATOR DEMUZIO:

Well, I guess I was just going to ask Senator Klemm, I mean, this -- we had a subcommittee hearing on -- on this subject matter of three-fifths; however, it never got a motion to get out of committee, and then all of a sudden this amendment was put on this bill, stripped, ten minutes notice. This is strictly a political vote, and everybody knows it.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Senator Klemm, to close. Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. You know, three-fifths is not an unusual amount to require votes for extraordinary issues. And I checked the Constitution and I looked through some of the things that people are saying we don't need three-fifths for because it really causes the General Assembly to shut down. But let me look -- and list just some of the things that we do use three-fifths for: override a -- a gubernatorial veto; vote for legislation with an immediate effective date after May 31st, after Session -- that's quite common here; vote of the Senate to impeach a Governor, which requires two-thirds; vote to limit and deny home rule powers required three-fifths -- we do that very often in -- in this Body; vote to appoint the Auditor General; vote to incur State debt; vote to put constitutional amendments on ballots. So three-fifths is not uncommon. I would think the taxpayers of Illinois, and the businesses in Illinois, require no less than three-fifths if we're going to appoint an Auditor General. I mean, that requires three-fifths. We've limited the scope of this accountability, if you will -- taxpayers protection Act, call it what you will -- to allow us to take those two most important taxes -- not fees, which are more user fees that we impose. They are

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separate from this, because they affect more limited taxpayers. But this affects every man, woman and child in Illinois. I think it's a right thing to do, to get three-fifths vote. I ask for your support to let the voters decide on this issue. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm has moved the adoption of Senate Joint Resolution, Constitutional Amendment, 57. The question is, shall Senate Joint, Constitutional Amendment, 57 be adopted and approved. Pursuant, once again, to Section 2, Article XIV of the Illinois Constitution, amendments must be approved by three-fifths of the Members elected. Therefore, 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 35 Ayes, 23 Nays, no Members voting Present. Senate Joint, Constitutional Amendment, 57, having failed to receive the three-fifths constitutional majority, is declared lost. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Approved for Consideration - Senate Amendment 6 to Senate Bill 1610 and Amendment 3 to Senate Bill 1707.

PRESIDING OFFICER: (SENATOR DONAHUE)

Leave was previously granted to pick up three bills on recall. We will begin... On the top of page 5 is Senate Bill 1707. Senator Sieben seeks leave of the bill {sic} to return Senate Bill 1707 to the Order of 2nd Reading for the purposes of an amendment. Is leave granted? Leave is granted. On the Order of 2nd Reading is Senate Bill 1707. ...the Order of 2nd Reading is Senate Bill 1707. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

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Amendment No. 2, offered by Senators Sieben and Hawkinson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Sieben, on Amendment No. 2.

SENATOR SIEBEN:

Thank you, Madam President. I would move to table Amendment No. 2.

PRESIDING OFFICER: (SENATOR DONAHUE)

The motion is to table Amendment No. 2. All those in favor, say Aye. Opposed, Nay. And the motion carries. Amendment No. 2 is tabled. Mr. Secretary, are there further Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senators Sieben and Donahue.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Sieben, on Amendment No. 3.

SENATOR SIEBEN:

Thank you, Madam President. Amendment No. 3 deals with the Livestock Management Facilities Act, and it adds several significant provisions to strengthen and improve the Livestock Management Facilities Act. Specifically it deals with adding construction standards for all types of livestock waste handling facilities, whether they be concrete pits, slurry stores, or -- or whatever prefabricated structures. It also provides inspection mechanism for the Department of Education -- or, for the Department of Agriculture. Specifies that construction cannot begin until the Department has verified that the facility has met all aspects of the Livestock Management Facilities Act. It also deals with the issue of common ownership that's occurred in Fulton and Schuyler County where you have common ownership of -- of multiple facilities there. We will now combine those to trigger the threshold for implementation of the waste management plans in the Act. It also adds a Section dealing with joint and several

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liability to also include those contracting parties that are involved in -- in the contract production of -- of hogs. It also uses the -- the Midwest Plan Service's and IEPA's nutrient tables as the source for determining the nutrient levels of manure application. I'd move for the adoption of Amendment No. 3.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Welch.

SENATOR WELCH:

I've got a question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Sieben, is this similar to the House bill that they were trying to pass yesterday? Is this the same proposal, or do you know how it differs?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Sieben.

SENATOR SIEBEN:

There are many similarities in the two bills. A couple of differences deal with the -- the House version, I believe, has a prohibition on building in the hundred-year flood plain, on karst soils, and some things like that that are not included in this. The intent here is to sit down with Representative Woolard, in whatever they do in the House, and then try to negotiate a compromise between the two versions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Does this include standards for these pits, similar to standards for the lagoons for -- for the hog waste?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Sieben.

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SENATOR SIEBEN:

That's correct. It does.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

...any -- is there any requirement of these being located a certain distance from a large community or a -- a stream, similar to restrictions we have on landfills, as far as siting the landfills?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Sieben.

SENATOR SIEBEN:

At the -- there -- in this amendment, there are no changes to the setbacks that were established in the initial Livestock Management Facilities Act. The same setbacks apply.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further -- 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.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. On the middle of 4 is Senate Bill 1610. Senator O'Malley wishes to return this bill 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 1610. Mr. Secretary, are there any amendments approved for consideration?

SECRETARY HARRY:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley, on Amendment No. 6.

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SENATOR O'MALLEY:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Amendment No. 6 represents agreed language between the proponents of the legislation and the State Board of Education. It has been discussed with, among others, Senator Berman. And I would move for its adoption. If there's any questions, I'd be pleased to answer them.

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 -- or, on the bottom of page 2. Leave was granted to return to Senator Maitland on Senate Bill 1265. Senator Maitland seeks leave of the Body to return Senate Bill 1265 to the Order of 2nd Reading for the purposes of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1265. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland, on Amendment No. 3.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. Senate Bill 1265 is a technical clean-up bill for the public electric utility regulation bill that we passed in 1997. This, again, is another technical amendment. It's kind of a -- a funny amendment actually. It is -- there was a word in there which said

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"nitrous" oxides; it should have been "nitrogen" oxides. For those of you who have a chemical background, you know that nitrous oxide is a laughing gas. And nobody's listening, I can tell that, but -- but nonetheless, this is a technical amendment, and I would move for the adoption, Madam President.

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. ...could have your attention, please. We will now be returning to the top of -- or, the middle of page 2. Senate Bills 3rd Reading. We are going to go through the Calendar one more time. If you are not in your seat and your bill goes past, I'm sorry, but you're going to be out of luck. So let's be in our seats. Let's listen. Pay attention and we can move very quickly. First will be Senator Maitland, on Senate Bill 668. Out of the record. Senator Fawell, on Senate Bill 743. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 743.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is the assistant {sic} (assisted) living bill. It has been worked on for the last two and a half years, and I think we basically have an agreement. The person --



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the reason that we are passing this bill is so that seniors can have a more affordable and more desirable way of living than the current operations. Senior home sharing and senior housing has been divided into two different categories. There is the assistant {sic} living, which is for the larger institutions, and shared housing, which is for those that are twelve people or less. We have an -- a definition of assistant {sic} living in the bill. We have what is basically required and the physical environment standards. The mandatory services include meals, housekeeping services, security for twenty-four hours, some kind of an emergency communication response system or a suitable procedure in staffing, and personal care that includes, but is not limited to, assistance with bathing, dressing, grooming, ambulatory {sic}, toiletry {sic}, transferring, meal planning and personal laundry. The shared housing will basically have those same kinds of things, except that they don't have to meet the same physical environmental standards. Each person -- each resident must have a service plan. There must be a contract, which is explained in your -- in the bill. There is an admission and discharge criteria, and this was the hardest part of the bill that we had because we did not want to have unlicensed nursing homes. And this criteria, I believe, eliminates any fear of that. Those criteria are: the person poses a serious threat to himself or others, he cannot remain; a person that is not able to communicate his or her needs; a person that requires total assistance with two or more activities of daily living; a person that requires assistance of more than one paid caregiver with an activity of daily living; a person requiring twenty-four hours skilled nursing care or supervision; a person that requires intravenous or daily intramuscular injections that are not self-administered, which means that those who have diabetes may stay; a person that requires gastromy feedings that are not self-administered; a

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person that requires insertion, sterile irrigation or replacement of a catheter; a person requiring sterile wound care; a person requiring treatment of stage 3 or stage 4 ulcers; and -- any other reason that is prescribed by the Department by rule. There is also a criteria for involuntary discharge. There are the powers and duties of the Department of Aging. Staffing requirements. Licensing requirements - that it will require a license. Senior Housing with Services Advisory Board. Failure to license - what happens, and there will be penalties. Conversion of the sheltered care, and there will be no certificate of need required. Senior Housing Regulatory Fund, and then the Department must come up with a report. Those are basic components of the bill. I will be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Syverson.

SENATOR SYVERSON:

Thank you, Madam President. I -- I rise with a few questions regarding this -- this legislation. I want to commend the sponsor for the two years worth of work on this legislation. It has come a long ways from where we started at two years ago. But I do want to, I guess, make one statement regarding this legislation. Over the last few years, we have passed regulation to protect seniors in -- in nursing home settings. We have felt that they needed that extra protection and extra regulation so they wouldn't be taken advantage of. And as has been reported in the paper just this week, senior abuse is at a all-time high, whether it's financial, physical or mental abuse. Now we're about to establish assisted living centers, which throw out most of the regulations and most of the protection that seniors have currently in the nursing home settings. While this may be good, I certainly anticipate that a year or two from now we are going to see these same people back, after they have been abused in these new

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establishments, asking for more and more regulations. So, I think the concept makes sense. I think we should be very clear that there are going to be problems with establishing this, and I believe that some of these concerns should be addressed when this legislation gets over to the House. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Madam President, and to my colleagues here in the Senate. As the Democrat spokesperson on the Senate Public Health and Welfare Committee, I'm the first chief cosponsor for 743. I rise in strong support of this legislation, as it is paving the way to allow more seniors to maintain some level of independent living. Senate Bill 743 allows for the creation of more independent living facilities for our seniors. As our population gets older, we have come up with a creative and innovative ways to assist the elderly who may not be able to maintain a home, but are not ready for a nursing home either. This legislation promotes human dignity and self-worth. It recognizes the fact that some seniors have limited mobilities and special needs, but they can still function independently in the appropriate setting. These assisted living facilities certainly will fill a major house void for the elderly and I -- therefore, I strongly, I strongly solicit your support for this piece of legislation. Thank you, and God bless you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you very much. Is there any further discussion? Further discussion? Seeing none, the question is, shall House Bill -- or, shall Senate Bill 743 pass? Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 1 Nay, 4 voting

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Present. Senate Bill 743, having received the required constitutional majority, is declared passed. Senator Karpiel, for what purpose do you rise?

SENATOR KARPIEL:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR KARPIEL:

For the last two days, I've had some guests with me in Springfield, and I would like to introduce them. I have up in the balcony behind us here, my district aide, Rose Kane, and my daughter, Sharon Karpiel, if they would stand.

PRESIDING OFFICER: (SENATOR DONAHUE)

Would you please rise and be recognized. We're glad to have you with us this morning.

SENATOR KARPIEL:

I also have with me at my desk, I have my granddaughter, Katie Dion.

PRESIDING OFFICER: (SENATOR DONAHUE)

Welcome Katie.

SENATOR KARPIEL:

And back here, I have my intern -- my district office who's been interning with me for the last several weeks and her name is Stacey Mather. Thank you very much.

PRESIDING OFFICER: (SENATOR DONAHUE)

Stacey, welcome to Springfield. On the Order of 3rd Reading is Senate Bill 1028. Senator Dillard. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1028.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President and Ladies and Gentlemen of the Senate. This bill amends the Controlled Substances Act by going after two related problems. The first is the improper use of the substance ephedrine as a stimulus abused mostly by young people. The second is the use of ephedrine-based products in the manufacturer of the highly dangerous and highly addictive drug methamphetamine. The first provision of the bill regulates the marketing, packaging, labeling and the sale of the drugs containing ephedrine. The second makes it a criminal offense to possess otherwise legal substances if a prosecutor can prove it's the persons intent to use those substances to make the illegal drug. This is a problem that is becoming more prevalent in central and southern Illinois, especially west central Illinois, and just recently Missouri's Governor Mel Carnahan, has declared that the meth problem is the number one crime issue in his state and I think we need to make some changes in our law in Illinois to keep this ever increasing problem from creeping to our young people in Illinois. I'd be happy to answer any questions and appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1028 pass. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 1028, having received the required constitutional majority, is declared passed. Senator Butler, for what purpose do you seek recognition?

SENATOR BUTLER:

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I'm sorry, on that last vote I was -- my attention was distracted, I intended to vote Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

The record will so reflect. Senator Syverson, on Senate Bill 1210. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1210.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Madam President. On Senate Bill 1210, it -- it requires any person who wishes to revoke his or her signature from a petition needs to do -- needs to have it notarized. Currently, it has to be notarized to -- to put your name on a petition. This just says to take your name off it has to be notarized as well.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Bowles.

SENATOR BOWLES:

Thank you, Madam President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Bowles.

SENATOR BOWLES:

Senator Syverson, this is sort of a little innocuous bill on the face of it, not that it's not a significant thing, but could this possibly be intended to be used as a vehicle for some other legislation as it affects the elections?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:

No. In fact, this is not a small bill. We had a situation in

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-- in -- in our community where individuals were sending in postcards asking names to be withdrawn, but they weren't notarized and there was a question of whether or not it was legitimate or not. And so this is just making sure that everything is above board, that if you want to remove your name from a special service district petition, it has to be notarized. As far as I know there's no other intent for this legislation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Bowles.

SENATOR BOWLES:

I agree with the requirement for the notarization, because as election authority, I experienced instances where this was the situation. But I was just curious to see whether there was anything in the future. Thank you very much.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, the question is, shall Senate Bill 1210 pass. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 1210, having received the required constitutional majority, is declared passed. Senator Carroll, on Senate Bill 1215. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1215.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Carroll.

SENATOR CARROLL:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This bill deals with the area of domestic battery and

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orders of protection and says basically, that where there has been -- if there is a conviction of domestic battery or an order of protection that was subsequent to a prior conviction of domestic battery, or a prior order of protection, then the second offense of either from a prior of either would be a Class 4 felony. I would answer any question and ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1215 pass. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. Senate Bill 1215, having received the required constitutional majority, is declared passed. Senator Parker, on Senate Bill 1250. Out of the record. Senator Luechtefeld. Just a second, Madam Secretary. Madam Secretary, have there been any motions filed?

ACTING SECRETARY HAWKER:

Yes, I have a motion on file from Senator Radogno.

PRESIDING OFFICER: (SENATOR DONAHUE)

Madam Secretary, the Chair requests that these motions be printed on the Calendar. So ordered. Now we go back to Senator Luechtefeld, on Senate Bill 1251. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1251.

(Secretary reads title of bill)

3rd -- 3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Madam President and Members of the Senate. Senate Bill 1251 is still a -- a shell bill. It amends the Barber and



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Cosmetology Act. I would like to -- we're having discussions with the cosmetologists, hopefully to possibly come up with something in the future. Would like to pass this bill on to the House. Right now it's just a shell bill, but I ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1251 pass. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. Senate Bill 1251, having received the required constitutional majority, is declared passed. Senator Fawell, on 1259. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1259.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is a bill that was brought to me by a constituent of mine who had a problem that didn't seem to be solved any other way. He was married, he went overseas, because he was in the Army. His wife had a child. Came back, his wife had announced she wanted a divorce. They got the divorce. He, of course, was ordered to pay child support, which he had no objection to. She moved to another State. He kept saying, I want to see my son, she would not allow him to see him until four years after the child was born. He then found out that this child was not his through a DNA test. He went to Cook County courts, they sympathized with him and said there is nothing in the law that allows us to stop the child support payments, even though this is

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not your child. He then went to the DuPage Court, told much the same thing. Went to Kane County court, which told much the same thing. Apparently, that is the way the law is. If he had not gone in two years after the child was born, then it was too late. It seems to me, if we say to the men, regardless of what age the child is, DNA test says this is your child and you are going to pay child support, then it is only fair if that same test says, this is not your child and therefore you do not have to continue to pay the child support. What this bill does is it gives two years after a man is -- has found out that the child is not his to stop paying the child support. It also gives a -- a ninety-day window for any case that is presently pending, so that this poor schmo can quit paying child support. I'll be glad to answer any question.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Welch.

SENATOR WELCH:

Senator, does this bill allow any father to file a petition for a DNA test for both him and his former spouse or the mother of a child, and if the mother doesn't submit he can stop child support, pending her having the test?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

No.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

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Does it allow for a husband to file a petition for a DNA test in any case in which he is paying child support?

SENATOR FAWELL:

No.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Well, then is it for out-of-state parents, is -- in-State Illinois parent can file a motion to have both the mother and child tested for DNA?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

No, this does not -- it does not force anybody to have a DNA test. But if a DNA test is taken, and the father pays -- and the father is paying for it, then he can bring action in the courts to declare that he is not the father. The -- you know, we are trying to narrow it because frankly we are not trying to open a Pandora's box, so that anybody could come in and say, "Ah, I don't think that's my kid", because we would have chaos. But if there really is a question right now, even if the DNA test is taken, there's nothing a man can do even if it's not his child. There's nothing under the present law, according to three different circuits, and I don't think that's fair.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further -- Senator Welch.

SENATOR WELCH:

Well, in my analysis it says the Department of Public Aid and DCFS oppose this. And I was wondering, number one, is that true, and number two, why would a -- a -- let's say a women who has the child was getting child support, why would she ever voluntarily submit to a DNA test when the only possible result could be that

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you would lose that child support? I don't understand why she would voluntarily do that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

The -- the time that -- is -- is told from the time that the -- the request is made. It's for two years. There isn't anything that absolutely requires her to take it. I'm not saying that that shouldn't be, I'm just saying that the problem that we've got right now is that there's no action whatsoever. You are right, Public Aid is against this. Frankly, what their saying is, "Hey we got somebody on the hook, we don't really care who." I just don't think that that's right. You know, if we're going to get -- I've seen cases where a man has come in and said look, it could be one of six of us. So we take DNA tests of all six and say we'll you're it. And the man has no recourse. It doesn't seem to me that it's right that the reverse isn't also true.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

I -- I understand the problem you're trying to take care of, but I think you're creating a -- a larger problem. And -- and what you're doing is basically encouraging or making a part of law that DNA tests usable and a parent, a father can use those -- a husband in almost any case. And what happened, it's like when we have the contested divorce, you could have a contested divorce before a judge and a jury. It would be used as leverage against the mother to settle, the divorce case. If the mother won't settle well we're going to take DNA tests, just kind of a harassment type of situation. That's what I'm -- I understand you're trying to resolve a problem and I understand there's a problem, but it seems to me that by doing so, bigger problems are

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being created is what I'm afraid of.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR FAWELL:

To answer your question, these are for cases where a man assumes he is the father and when we were having this -- these divorce hearings we found out there were cases like that out there, where the man assumed he was the father, as in the case of my constituent, didn't question the fact that this might not be his child, first of all he was overseas, so he had no knowledge of the fact that his wife was running around. And now because he didn't contest it, or bring the question up during the divorce, or two years afterwards -- didn't find out until three years afterwards, he's stuck. He's been battling this for ten years, and if we don't pass this he's going to be stuck for the next eight years. This is not right. And that's all I'm trying to correct.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is shall, Senate Bill 1259 pass. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, 1 voting Present. Senate Bill 1259, having received the required constitutional majority, is declared passed. Senator Walsh. Senator Thomas Walsh, do you -- why do you seek recognition?

SENATOR T. WALSH:

Well, thank you, Madam President. A point of personal privilege, please. I would like to introduce some guests that I have here with me, some of my friends and neighbors that are here. First of all, up in the -- the gallery, oops they're -- they're gone from the gallery. The crying you heard from the gallery was

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-- was Erin Corrigan, but with me here, I've got Alley Corrigan, who's my neighbor, and Betsy Corrigan, and Christina Mann, visiting us today in the Senate. And I'd like everyone to welcome them.

PRESIDING OFFICER: (SENATOR DONAHUE)

Well, we're glad to have you young ladies. Welcome to Springfield. Supplemental Calendar No. 2 has been distributed and we will be going to that Order. Motions in Writing. Mr. Secretary, is there a motion? Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

You know, in all the period of time -- on the point of order, Madam Secretary. All the period of time that we have been in this Body from a number of years, it has always been the prerogative of the Chair to ask for -- for leave of the Body to go to any other business other than the business that we have started on. There's no leave been granted to go to this Order of Business. I am fully aware of the impact of what this does on Senate Joint Constitutional Amendment 57. We've already debated this. It seems to me the motion has been filed. It's a Motion to Reconsider. If you want to do that, let's do it at the end of business today, like we do every other -- like we've done every other Session since 1974. We ought not to be going out of the order simply to consider this -- this motion.

PRESIDING OFFICER: (SENATOR DONAHUE)

Mr. Secretary, read the motion.

SECRETARY HARRY:

Having voted on the prevailing side, I move to reconsider the vote by which Senate Joint Resolution, Constitutional Amendment, 57 failed.

The motion filed by Senator Radogno.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Radogno.

SENATOR RADOGNO:

Having voted on the prevailing side, I move to reconsider the vote by which Senate Joint Resolution, Constitutional Amendment, 57 failed.

PRESIDING OFFICER: (SENATOR DONAHUE)

It'll take 30 votes, and all those in favor will vote Aye. All -- all those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 21 Nays, none voting Present. The motion carries. Senate Joint Resolution, Constitutional Amendment, 57, as amended, has been read in full for the third time. Mr. Secretary. Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President and Ladies and Gentlemen of the Senate. We've debated this bill before, I know there's some people who would like to maybe ask some more questions, but simply put it requires a three-fifths vote if we were to increase the rate of tax on measured -- or measured by income or measured by the selling price of any tangible property, personal property. It can only become law by three-fifths vote of both sides of the General Assembly - the House and Senate. We talked about it before. I think everybody knows the issue. It's important. Now we're not voting itself - to remind you - to do it. We're letting our voters, our constituents decide whether they wish to do it. So I think this is an issue that you can believe in, but even if you have questions at least let the voters, the people that you should be trusting, to have that opportunity to vote on this issue. I think that's where the issue lies for many of you. Let's let our voters decide if this is important enough. We think it is. Please join with me to vote Yes.

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PRESIDING OFFICER: (SENATOR DONAHUE)

As we've done in the past, we'll have one pro and one opponent. So, is there any discussion? Is there any discussion? Senator Demuzio.

SENATOR DEMUZIO:

I guess, first of all, I guess I ought to ask a parliamentary inquiry. Are we getting ready to adjourn?

PRESIDING OFFICER: (SENATOR DONAHUE)

No, sir.

SENATOR DEMUZIO:

I mean normally -- normally when we do this we have this one opponent for and one against. Seems to me that that is the point where we are getting ready to go on our Easter -- Easter egg hunt. Let me rise in opposition to this -- this motion. Hadn't gotten any better than it did about an hour and a half ago. I don't know what the mechanics are and the dynamics of the political atmosphere -- what has taken place during that hour and half, maybe you got enough votes to pass it, I don't know. Just seems to me that this is inordinate -- inordinary procedure that we are taking here this morning, and I would request that those Members who had voted in the negative an hour and a half ago, do so again. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Fitzgerald.

SENATOR FITZGERALD:

I rise in support of this Constitutional Amendment. And I would like to point out that right now in Illinois as we're debated this issue, the average family in Illinois is paying 38.6 percent of its income in taxes at all levels. The combined federal, State and local tax burden is higher now than it's ever been at any time in our nation's history. It's three times the burden on the average family in Illinois that it was in the 1950s.



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This amendment won't lower that burden, but it will make it a little bit harder to increase the burden even more than it already has been increased. I think it's an excellent amendment and I would urge favorable consideration. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Joint Constitutional Resolution 57 be adopted and approved. Pursuant to Section II, Article XIV of the Illinois Constitution amendments must be approved by three-fifths of the Members elected. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 35 Ayes, 24 Nays, none voting Present. Senate Joint Resolution, Constitutional Amendment, No. 57 fails. Bottom of page 2 is Senate Bill 1265. Senator Maitland. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1265.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President and Members of the Senate. Again, Senate Bill 1265 is the -- is the cleanup language for the Public Electric Utility Regulation {sic} (Deregulation) bill that we passed from this Chamber last fall. Just a couple of notes, it provides that fifty percent of the renewable resources and coal technology charge that is allocated for coal technology is in addition to the other State funds already designated for coal technology. It had to correct some reporting dates for low income. It provides for the appointment of the energy assistance

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program design group that was inadvertently left out of the bill last fall, and establishes the Membership of -- of that design group. It further eliminates or changes language that was involved in the amendment earlier today. The nitrous gas versus nitrogen oxides. That technical change has been made. It also makes one further change that was subject of an agreement in -- with Senator Watson on electric co-op in the southern part of the State. I know of no opposition. This bill is going to continue to move through the other Chamber and will no doubt take on some more technical changes and recommendations. I would, Madam President, seek the support of Senate Bill 1265.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall Senate Bill 1265 pass. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 1265, having received the required constitutional majority, is declared passed. Senator Walsh, for what purpose do you rise?

SENATOR T. WALSH:

I just want to introduce three more helpers that I have, if I could, and welcome them to the Senate. I've got Colleen and Kevin Mahem that are here with me, and my next door neighbor CoCoa Corrigan who is here. If you could please welcome them to the Senate.

PRESIDING OFFICER: (SENATOR DONAHUE)

We're glad to have you with us today in Springfield. Welcome. Senator Mahar, on Senate Bill 1288. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1288.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President, Members of the Senate. This bill is a property owners' bill of rights as it applies to the Illinois Toll Highway Authority. The primary purpose is to ensure that property owners shall not suffer disproportionate injuries as a result of programs and projects designed for the benefit of the public and to minimize the hardship of displacement on these people. It also requires more accountability and public input by the Tollway Board. Some of the provisions, which I would like enumerate very briefly for you, it requires the Authority to set aside a portion of each meeting of the board for public comment on any subject. It amends the Authority's Act to -- which details powers of the Authority that prior to the establishment of a corridor a public hearing must be held, and also that after ten years an additional public hearing and public vote must be held to see of the corridor -- if the road has not been constructed, if the corridor should continue. Requires the Authority to make every effort to acquire property by negotiation. Prior to negotiation the Authority must secure an appraisal from a certified appraiser. The comps from this appraisal must be from outside the corridor. The Authority must be required to pay for the property owner's appraisal. The Authority shall not require any person to move without at least ninety day's written notice, or thirty days prior to the beginning of the construction period. Requires the Authority to reimburse the property owner for, amongst other things, attorney's fees up to five hundred dollars, which they can apply to the closing of a replacement dwelling. It allows the owner to have the option of retaining the dwelling to

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be relocated if relocation is feasible. Allows for supplemental housing, which they have now. No person shall be required to move from a dwelling unless comparable replacement housing is available. And it -- these payments shall not exceed twenty-five thousand, it's currently twenty-two thousand five hundred. Requires the Authority to hold a public meeting prior to increasing tolls. Creates a local advise -- or the option for a local advisory committee. That's the gist of it. I'd be happy to answer any questions, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1288 pass. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 1288, having received the required constitutional majority, is declared passed. Senator Peterson, on Senate Bill 1290. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1290.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

Thank you, Madam President, Members of the Senate. Senate Bill 1290 is -- as amended, authorizes counties to prescribe capital facilities for schools in any map, plat or subdivision for unincorporated land. In no event shall the developer's donation of school land or capital facilities exceed the proportionate share of costs to a school district that is specifically and uniquely attributable to the subdivision. If any portion or

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donation is not expended for public school purposes within ten years after final plat approval, it shall be refunded to the developer. Capital facilities donations means a cash contribution to cover costs associated with schools structural improvements, and limited to new school buildings, additions or renovations to existing school buildings, upgrades, insulation of plumbing, electrical, heating, air conditioning systems and certain fees. Such contributions shall not be used to cure existing deficiencies in any existing school. This bill is continuing of the negotiations that Lake County has had with the Home Builders Association of Illinois. We will continue to negotiate and amend this bill in the House. And I ask for your approval of Senate Bill 1290.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator O'Malley.

SENATOR O'MALLEY:

Senator Peterson, I indicated to you yesterday that I was going to ask a series of questions and to some extent you've already answered those questions and I appreciate it, but if we could just go through the questions quickly. Is Senate Bill 1290 in its final form for passage by both Chambers?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

No. There's continuing negotiations regarding this bill and it will continue in the House.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

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SENATOR O'MALLEY:

Is the intent of this legislation to raise fees on the purchase of a new home?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

No. This would just allow the governmental unit to use the money that would come to the schools for land that could be used for capital facilities.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Finally, Senator Peterson, you have already indicated that there have been negotiations on this legislation and that you expect them to continue, will you be sure that they continue in the House?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

That's correct, Senator.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Jacobs.

SENATOR JACOBS:

Senator O'Malley just asked one of the questions which I think was very important. We just voted on a constitutional amendment and we want to ensure that there are no fee increases. You said that this would not be fee increase. Is there -- and just a matter

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of something, I think maybe you should look at when it goes over to the House and continues to be worked on, is there a constitutional problem or a legal problem that may exist, cause currently, as I understand it, if it's a land grant or -- or a land impact fee it has to be used for land, and now you're taking it to capital improvements and is that -- is that something that we can take care of just through legislation, or does that pose a constitutional problem? That -- that's a rhetorical question, Senator, that I just think you should look at.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Peterson, to close.

SENATOR PETERSON:

I ask for your support of Senate Bill 1290.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 1290 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? ...the record. On that question, there are 48 Ayes, 7 Nays, 2 voting Present. Senate Bill 1290, having received the required constitutional majority, is declared passed. Senator Fawell, on Senate Bill 1293. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1293.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is an agreed bill with both groups of manufactured housing dealers and all it does is add language that allows a licensed trailer dealer to sell a mobile home if the mobile home or manufactured housing is not located on the dealer's

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lot.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Is there discussion? Seeing none, the question is, shall Senate Bill 1293 pass. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 1293, having received the required constitutional majority, is declared passed. Senator Peterson, on 1305. Out of the record. Senator Parker, on Senate Bill 1315. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1315.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President and Members of the General Assembly. Yesterday we had meant to bring this back to 2nd and by mistake it was on 3rd. So that's why we're voting on this again. It merely establishes an immunization task force that was requested by Children of Youth 2000 in a Chicago area immunization campaign. There is no opposition. Everybody's in agreement and we are all working together. So I would request a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall Senate Bill 1315 pass. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 1315, having received the required



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constitutional majority, is declared passed. Senator Karpiel, on Senate Bill 1326. Read the bill, Madam Secretary. ...the record.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senate Bill 1335. Senator Dudycz. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1335.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCH:

Thank you, Mr. President. Senate Bill 1335, as amended, is an agreed bill, which amends certain portions of the Criminal Code to close certain loopholes regarding elimination of fraud regarding public school contracts for school districts. The legislation is a proposal of the Cook County State's Attorney and is supported by the Chicago public schools. As you may be aware the -- the State's Attorney and the public schools has developed a task force to uncover contract fraud and to fast track prosecutions. Particularly, with an emphasis on contracts related to capital improvements and construction programs. In reviewing the crime fighting tools available under Criminal Code it became clear that there are certain aspects of public contracting, specifically for the school districts that were not dealt with when the legislation was originally adopted. And accordingly, Senate Bill 1335, as amended, is structured to accomplish the following: First it clarifies that school districts are covered as contracting units; it adds the definition for stringing and penalty for unlawful stringing of school district bids; it creates penalties for persons providing false statements to certain public contracts with school districts; creates penalties for school district

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employees who create false entries of information or misapply public funds. And it is -- also Section 16-1 is amended to create a nonprobationable offense for theft of two hundred fifty thousand dollars from a school district. I appreciate the co-sponsorship and the help of Senator Berman in putting this legislation together. As I said earlier, it has no opposition, and I would seek your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 1335 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 57 Ayes, no Nays, no Members voting Present. Senate Bill 1335, having received the required constitutional majority, is declared passed. Senator DeLeo, for what purpose do you rise, sir?

SENATOR DeLEO:

Thank you, Mr. President. Would respectfully ask for a Democratic Caucus immediately in Senator Jones' Office for approximately thirty minutes.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. That request is in order. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I've just been keeping score this morning, we've done eleven bills and three constitutional amendments. At the rate we're going here, we may be here tomorrow.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpel, for what purpose do you rise?

SENATOR KARPIEL:

Well, originally, I had hoped to call my bill, which is next on the Calendar.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Well...

SENATOR KARPIEL:

But, I guess not. I am calling for a Republican Caucus immediately in Senator Philip's office.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Democratic Caucus, Republican Caucus, the Senate will stand in recess until the hour of 12 o'clock.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR MAITLAND)

Senate will come to order. ...Bills, 1st Reading.

SECRETARY HARRY:

House Bill 1543.

(Secretary reads title of bill)

The bill is offered by Senator Smith.

House Bill 1688, by Senator Smith.

(Secretary reads title of bill)

House Bill 2370, Senator Parker.

(Secretary reads title of bill)

House Bill 2581, by Senator Fawell.

(Secretary reads title of bill)

House Bill 2605 is offered by Senators Syverson and Rauschenberger.

(Secretary reads title of bill)

House Bill 2607, Senator Lauzen.

(Secretary reads title of bill)

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House Bill 2650, by Senator Maitland.

(Secretary reads title of bill)

House Bill 2652, by Senator Mahar.

(Secretary reads title of bill)

Senator Syverson offers House Bill 2716.

(Secretary reads title of bill)

House Bill 2724, by Senator Lauzen.

(Secretary reads title of bill)

Senator Clayborne presents House Bill 2732.

(Secretary reads title of bill)

House Bill 2823, by Senator Butler.

(Secretary reads title of bill)

House Bill 2844, by Senator Parker.

(Secretary reads title of bill)

House Bill 3127, Senator Burzynski.

(Secretary reads title of bill)

House Bill 3374, by Senator Fawell.

(Secretary reads title of bill)

Senator Donahue offers House Bill 3431.

(Secretary reads title of bill)

Senator Parker offers House Bill 3447.

(Secretary reads title of bill)

House Bill 3461, by Senator Mahar.

(Secretary reads title of bill)

House Bill 3556, Senators Dudycz and Weaver.

(Secretary reads title of bill)

House Bill 3581, Senator Rauschenberger.

(Secretary reads title of bill)

House Bill 3710, by Senators DeLeo, Peterson and Syverson.

(Secretary reads title of bill)

Senator O'Malley offers House Bill 3790.

(Secretary reads title of bill)

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And House Bill 3811, by Senator Radogno.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR MAITLAND)

Ladies and Gentlemen, in the middle of page 3, Senate Bills 3rd Reading. Senate Bill 1339. Senator Karpziel. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1339.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 1339 is essentially, although there are parts of it that are -- are new, but it's essentially in response to the new federal Adoption and Safe Families Act, which was passed in November, I believe, of last year. And it represents a major shift in national child's welfare policy. It emphasizes and I -- I -- I would think that we all agree with that, it emphasizes that in all decision making a child health and safety are always the paramount concern. This bill amends the Juvenile Court Act and the Child and Family Services Act to bring the State of Illinois into compliance with the federal law. Secondly, it does -- it contains amendments that were requested by the State Attorney's Association to the Juvenile Court Act and the Adoption Act and the Mental Health and Developmental Disabilities Confidentiality Act, which, I believe, it -- it makes -- it makes it clear who is going to - if I can find that - the State's attorney is the -- is the office that decides if the requirements have been met when a petition is filed. And the other changes to the child welfare laws that are

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in this, it enhances the educational opportunities for foster children and increases the number of guardianship of -- of waivers, scholarships and fee waivers from twenty-four to forty-eight per year. It also requires a child death review teams to review deaths reported to the DCFS hotline that are indicated for child abuse or neglect, even when the family had no prior DCFS involvement. And that's basically what Senate Bill 1339 does.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 1339 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 58 Ayes, no Nays, no Members voting Present. Senate Bill 1339, having received the required constitutional majority, is declared passed. Senate Bill 1349. Senator Peterson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1349.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President, and Members of the Senate. Senate Bill 1349 directs the Illinois Department of Revenue to implement a pilot direct pay permit program as a means of collecting the State Retailers Occupation Tax and related taxes. The Department is directed to work with representatives from Illinois businesses to develop the pilot program. The Department shall select the candidates for participation in the pilot program. However, the participation shall be voluntary. The Department shall report to

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the General Assembly on or before January 1 of the year 2001 regarding the pilot program and there is a sunset date of July 1, the year 2001. This is supported by the Illinois Chamber, Department of Revenue and Taxpayers Federation. Ask for your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 1349 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 57 Ayes, no Nays, no Members voting Present. Senate Bill 1349, having received the required constitutional majority, is declared passed. Senate Bill 1386. Senator Trotter. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1386.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 1386, as amended, amends the Probate Act and the Illinois Marriage and Dissolution Act of Marriage {sic} regarding visitation. It provides the court with discretion concerning whether to order visitation in cases where any person entitled to petition for visitation has been convicted of murder of a parent, grandparent, great-grandparent, sibling of the child and so on, who is subject to the order. It also enables the court-ordered visitation in such cases where the child is of suitable age to assent to the visitation and does in fact assent. This Act is

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basically patterned after the Act that was passed in Massachusetts and it was called the Lizzie's Law. It was three years ago that a gentleman - now I guess I'm stretching when I say gentleman - a man stabbed his wife twenty-four times, killing -- killing her while their daughter watched. After he was imprisoned he asked for court-ordered visitation of this five-year-old child. And that concerned legislature -- felt that they had to put in legislation which would prohibit that child being subjected to that kind of trauma and that kind of drama. And before that kind of situation starts here in the State of Illinois, I would like to see legislation of this nature passed here.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is -- is there discussion? Is there discussion? If not, the question is, shall Senate Bill 1386 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 57 Ayes, no Nays, no Members voting Present. Senate Bill 1386, having received the required constitutional majority, is declared passed. Senate Bill 1387. Senator Mahar. Senator Mahar on the Floor? Senate Bill 1399. Senator Trotter. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1399.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 1399 is a appropriation bill, and it's a vehicle that we're utilizing as the appropriation process continues. As



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vehicles are there's no language at this point in time, but we'd like to keep it alive.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'd respectfully request that -- that we not pass out more shell bills than we might need. And it's been normal last couple years we've passed out shell bills sponsored by the chairman of the committee. I'd appreciate the sponsor perhaps, reconsidering or in case he doesn't, a negative roll call from the Republican side.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Is there further discussion? If not, the question is, shall Senate Bill 1399 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 29 Ayes, 24 Nays, 2 Members voting Present. Senate Bill 1399, having not received the required constitutional majority, is declared failed. Senate Bill 1400. Senator Trotter. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1400.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President and Members of the Senate. We anticipated that you would kill 1399, so we thought we'd run Senate Bill 1400. 1400 is a vehicle bill that the Democratic Caucus is putting out there, so when legislation comes that's

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certainly good for our side, it'll be there and available and I seek its passage.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yeah, I just would like to offer the -- the sponsor that we'd be willing to give him the previous roll call and save us all, but, no, I'd appreciate again the same roll call from the Republican side.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? If not, the question is, shall Senate Bill 1400 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 28 Ayes, 25 Nays, 4 Members voting Present. Senate Bill 1400, having not received the required constitutional majority, is declared failed. Senate Bill 1446. Senate Bill 1458. Senator Weaver. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1458.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senate Bill 1458, as amended, would remove the State's share of the tax on motor fuels. That's a five-percent tax. It would not touch the local tax of 1.25, which goes to the municipalities, counties, et cetera. There would be no annual loss to the municipalities, although there'll probably be some gain in the sales tax due to greater volume at -- at the

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borders that would help those border communities in their sales tax, as well as no loss in their motor fuel tax. There's no change in the distribution formula. The bill also freezes local tax rates at their present level. The bill would also sunset unless there is an increase of nine hundred million gallons sold in the State of Illinois over -- in the four-year period, I mean, after a four-year period. So, that's basically what it does. Doesn't change the distribution. No one's going to lose any motor fuel tax. Actually, with the increase in sales along the borders, distribution funds should increase by at least a hundred-million-dollars. That's the estimate of what we're losing to the border states now just in the motor fuel tax areas. So, is anyone has any question, I'd be happy to try to answer them. It seems that every time we've raised the gas tax our gallonage has gone down, and our revenues to the Road Fund have gone down. We're not even at the 1978 level on motor fuel tax. The smaller states sell more gas than -- than the State of Illinois -- than is purchased in the State of Illinois. This is an attempt to try to help the Road Fund, help the border communities, create new jobs on the Illinois side of the rivers or the borders. If anyone has any questions, I'll be happy to try to answer them for them.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to this bill. Last week, the Governor and the four Leaders met, and there was a discussion as to what our priorities should be regarding an estimated seven-hundred-and-fifty-million-dollar-plus surplus. And I would suggest to you that this is not the time for us to say, "Yes, we want to cut the sales tax on motor fuel by eighty percent and give a two-hundred-and-thirty-five-million-dollar windfall to the

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people that sell gasoline." We have had a proposal on this side of the aisle to revise, for example, the individual tax exemption on our State income tax from one thousand dollars to two thousand dollars. On our proposal, which would be a phase in over four years, we would be helping each individual taxpayer in the State of Illinois, instead of just the people that sell gasoline. And it would have been a fraction of the cost of what this bill would cost. We haven't changed the individual exemption for twenty-eight years, when we first passed the State income tax in 1970. But we're being asked today to take care of a very small segment of our economy, not individuals, but businesses, to the extent of a two-hundred-and-thirty-five-million-dollar windfall on a gasoline sales tax reduction. We're being asked to put our priorities in the wrong order. We're being asked to vote for a bill before the Governor or the four leaders have even been able to fully discuss what our order of priorities should be. The Department of Revenue opposes this bill. I presume that the Governor, through the Department of Revenue, is delivering a strong signal to us, and I would just suggest that from a point of view of helping the people of the Illinois that ought to be helped, this bill deserves a No vote. And I urge that you do that. Vote No on this windfall for a very small segment of our community, when we really have greater priorities to address at this time. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, when you figure the bordered areas like I have, Antioch, Zion and right next to Wisconsin, I can tell you that a lot of my constituents cross the border to get cheaper gas. They do that going to Iowa from Illinois. They do that going to Indiana from

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Illinois. I think if we support this bill, we can increase more gas sales here in Illinois and actually make more money and I'll tell you, it'll be a benefit to the taxpayers. Taxpayers are tired of paying a lot of money for gas and if you take five cents off, I think it's a good -- a good thing. We get taxed to death as it is, and I fully support the bill, and I urge everyone else to support it, too.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Clayborne.

SENATOR CLAYBORNE:

Senator Weaver, can you, I guess, show in -- in this piece of legislation or point out to this Body, where it requires a gasoline owner or -- or -- or field distributor to lower their gas prices?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver.

SENATOR WEAVER:

It doesn't.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Clayborne.

SENATOR CLAYBORNE:

So, actually, when we're talking by lowering the gas five cents, they could actually lower it three cents?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver.

SENATOR WEAVER:

We're not lowering the gas five cents, we're taking off the five-percent tax that is on the sale of each gallon of gas. So,

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actually we've got a tax on a tax.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Clayborne.

SENATOR CLAYBORNE:

Well, there's nothing in this bill, am I correct, that requires a motor fuel distributor, or a gasoline station to lower their gas prices?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver.

SENATOR WEAVER:

You are correct, competition will do that.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Clayborne.

SENATOR CLAYBORNE:

And that's -- and that's part of the problem. I believe that most people believe, and in the committee hearings that we've had, the perception was that gas would be -- gas prices would be reduced by five cents. And in actuality, Missouri that borders my -- my area, part of the State, the gas still will be four percent -- four cents lower according to the testimony that was in committee. The other problem that I have with this, and I guess I have to go along with my esteemed colleague on the other side that's running for the U.S. Senate, that 38.6 percent of the income of residents of Illinois goes to taxes. Why can't we show Illinois residents that we're committed because the State has done so well to giving them a direct benefit. Because in my area, we've expanded MetroLink. We have a lot of people that use the public transit system, I would assume as well as in -- in Chicago and -- and the collar counties. There are people in my area that don't drive cars, they use public transit. If we're going to show -- if we're going to benefit the taxpayers of Illinois, let's give them a direct benefit first and then let's look at maybe rewarding

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big businesses. But let's give them an opportunity, the working men and women in this State, let's show them that when this State does well, that we will directly reduce their taxes. You know, if I'm a social service worker provider, I would be upset, because we have not given them a cost of living adjustment, yet we're going to allow the -- there's no -- as my colleague said, there's no guarantee that gas prices will be even reduced. You know, this is an issue of who do we benefit first, and I would say, if you go back and talk to your constituents, they would tell you, give me a -- a tax break first a direct benefit that I can see, when I file my income taxes, that I can actually feel, that I can actually put money -- see money going back into my pocket. As one of my other colleagues across the aisle has said, who's running for statewide office, if you put money back into the pockets of working men and women in this State, then they will go out and spend money, that the sales taxes will go up, that it would generate additional revenues. So I say, instead of leaving it to chance that gas prices will be reduced, let's first, and I think that in this bill that was presented, we talked about gradually increasing the -- doubling the exemption over the next four years. That we're talking two hundred and fifty dollars this year and so forth, and that's only seventy million dollars out of the General Revenue Fund, instead of spending, right off the top, two hundred and fifty or two hundred thirty-five million dollars. So I -- I urge my colleagues on -- in this Chamber, let's first put integrity back into this -- this -- this -- this system by showing the people of the State of Illinois that we will benefit -- that you will benefit first before we begin to give these tax breaks to big businesses. I urge a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Donahue.

SENATOR DONAHUE:

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Thank you very much, Mr. President. I rise in strong support of this legislation. For the last number of years we've been talking from the Department of Transportation that we need a tax increase on gasoline in order to help with the Road Fund, because every one of us in this room, roads are important to our district. I live on a border. I have two hundred miles of border between Iowa and Missouri. And I can tell you, in 1993, when the Illinois -- or the bridge between Missouri and Illinois closed at Quincy, in one day, when that bridge closed, the volume with one of my petroleum marketers went up two hundred and seven percent in one day. Now what we're talking about in this bill is one thing and that's to increase the volume of gasoline sold in Illinois, because every one of our border states sells more gasoline per capita than we do in Illinois, and that's ridiculous. It doesn't make sense. And if we can change the habits of the people in Quincy who go across the border to Missouri to buy their gasoline, just change it once per week or per month, we can make a difference in the volume of gasoline sold in Illinois that will increase revenues to our coffers, which means we can build more roads. And I think this is a positive move and one that's very beneficial. Another point I would make and I think is very important to Senator Clayborne's comments, Missouri, very definitely, is very low in their taxes. But, they are having a serious problem in fixing their roads, and if we can change and bring Illinois residents back into Illinois and buying gasoline, we will force them to raise taxes, because they use us against raising taxes in Missouri. And if our revenues and our Illinois money doesn't buy gasoline in Missouri, and they have to raise taxes to fix their roads, it will make a major difference in what's going on in this State. I think this is a good vote. It's good for the taxpayers and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)



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Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate I also stand in strong support of this legislation. To some of the comments that were made, you know, I can remember back whenever we took the sales tax off of food and drugs, there was no guarantee that the price was going to go down. But there is a guarantee today, if you put that five percent back on it'd go up by five percent. So I think the logic is there. I -- I, too, stand very strongly for an increase in the personal income tax exemption. But yet, at the same time, the way we drive in southern Illinois, the way cars are so important for our livelihood, the -- the five-percent reduction for a family of two, both with a car is going to be far greater, far greater than what we could give them in a personal income tax exemption. The comment was made that this is two hundred and fifty million dollars being given to a special few. Well, it's the first time in my life that I have ever heard the consumer called one of the special few. This is a consumer bill. This is a bill that is good for them. Also as Senator stated earlier, our roads are deteriorating. We have to do something. We talk about economic development in this State, and having been involved in economic development for many years, I know the basis of any good economic development is always transportation, good roads, roads that you can drive over without beating the hell of a car. I honestly think that the passage of this bill, more money to the Motor Fuel Tax Fund will save me money and every consumer money on repair bills, on buying a new car earlier than they have to because the roads are in better shape. I think we ought to give it a chance. There's no guarantee that every cent of this is going to be given back to the consumer. But if it's not, I think that the Senator would be willing to revisit this and look at that and threaten them at that

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time they either better do something or we'll take it away from them. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I am in support of this legislation and let me tell you why. Like my colleague, Senator Clayborne, I support the increase in the exemption for individuals in the State of Illinois. And the bill that we had limited that increase to those making seventy-five thousand dollars or below, thinking that we wanted to help those who needed help the most. And I think, if you look at this bill, this bill does something similar to that. And if you look at a person's income based on their disposable income, a person who is at a wage or a salary that is very low, spends one hundred percent of that money on the necessities of life. If you're making a hundred thousand, two hundred thousand, you can afford save. But if you're making twenty/twenty-five thousand dollars you're spending every dime that you get, and if you are working and driving a car, or taking a bus, you've got to spend money on fuel. A big cost of mass transit on buses is the fuel cost. What we're doing is reducing that with the elimination of the sales tax. So every individual is going to have five percent more of what they spent on gasoline in their pocket. To me that's going to help poor people a great deal, those who have to drive to get to work. You know where I live, in the center of Illinois up in LaSalle County, we've got people driving all over. There aren't a lot of jobs in LaSalle County, so people drive up to Aurora, they go down to Pontiac to work at the prison. We drive a lot. This is a big benefit to them, because they're saving five percent a gallon, over a nickle a gallon of gas. That's money that will be in their pocket. Maybe not in a direct check in April of each year, but each week. So to that extent, the money

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is getting back to them, and it will be spent on other goods and services in the State of Illinois, because they spend one hundred percent of their income. So I think that it's -- it's a good bill. It does get money to people who need it. Those who are wealthy get the same break, but they don't spend as much of their total income on gasoline. So I think, in a roundabout way, unintended by the people who brought this bill to us, this does help the people of the State of Illinois, and I'm voting Aye.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President and Members of the Senate. I rise in strong support of this bill. I think every one of us are aware that there's no support out there to raise the motor fuel tax in this State. Arthur Andersen did an in-depth study on Illinois, Indiana, Missouri and -- and Iowa, and every state that is -- did this, or reduced the -- the motor fuel tax, the consumption has gone -- gone way up. We have nearly -- we have more interstate highways in this State than most states in the nation. Our roads are deteriorating, and I -- I'm not positive that this will work, but I'm positive of one thing, we got to do something. So if it doesn't work we can repeal it and do something else. But with this study that Arthur Andersen done, and with all of us that have districts on bordering other states and see all of our people going across the -- the river. Let me give you an example, down at Cave-in-Rock, the end of Route one, the television station in Harrisburg went down there and interviewed the people, they got a free ferry down there, and everyone of them they talked to - the Illinois residents - they said, "Ah sure," said, "We -- we really love this free ferry. We go over there and get our gasoline and our cigarettes," and said "They got a good, big grocery store over here at Marion, Kentucky, we buy our groceries." And here we're

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furnishing them a free ferry to go across the river to buy their fuel. But we have to do something about the Road Fund, and -- and you stop and just look at these trucks -- I mean, these rest areas along the interstate highway system. They're full of trucks. Ninety percent of these trucks are owner operators. Sure they -- they're supposed to pay taxes as they drive across our State, but a big majority of them will -- will stop, they'll drive on through and sure if they got two sets of logs which they shouldn't have, if they get caught, then they'll pay taxes on it. But so many of -- of the truckers and all that our using our interstate system aren't paying any motor fuel tax in this State. And, I think, you know, it behooves us to do something about this, because there's no -- there's no support out there at all for a -- a motor fuel tax increase, and I would ask all of my colleagues to support this legislation.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Rea.

SENATOR REA:

Thank you, Mr. President, Members of the Senate. In the earlier testimony by Senator Jacobs, I'm very glad to know that Senator Jacobs now is a part of southern Illinois. And I do certainly agree with Senator Donahue's statements earlier. And the reference that Senator O'Daniel has just made to Cave-in-Rock happens to be in my district, and I have experienced this probably as much as anybody as to the economic impact that this has on our businesses in Illinois. We have people all the time that are stopping before they get to Illinois, they're filling up with fuel and then after they leave Illinois, then they will again fill up again. This has hurt the business desperately. In my legislative district I have three states bordering my district, and in terms of this making fuel more competitive, yes it will make it more competitive, because with the five cents, even if it may not be as

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low as Missouri, at least it's getting closer to where it's at, and we have people all the time that's going across the State line, not only to buy gasoline, but also, when they go there, they'll shop, they may buy a new car. We lose all kinds of sales taxes as a result of this. For instance, I can give you a number of towns, in Metropolis, they go across to Paducah, all the time. Over in the Union, Alexander, Pulaski counties they go to Cape Girardeau. And then over on the east side, they go to Evansville and other places in Indiana. So we do lose a tremendous amount of sales tax that can be put back here by keeping those people and to bring others in to shop in Illinois. So I rise in strong support of this legislation.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. I am -- obviously, also rise in support. My district borders Missouri and -- and Missouri is one of the lowest tax states in the country. We're one of the highest, and as a result we see constantly the problem of people crossing over and purchasing gasoline on the other side. The video that Senator O'Daniel was talking about, I've got it right here and it's Arthur Andersen Illinois Motor Fuel Tax Study. It'd be time well spent, if you get an opportunity, just to take a look at this and understand the rationale for what Senator Weaver is trying to do. And you talk about the concern you have for passing this savings on to the consumer, I -- I don't know of any more competitive business than petroleum marketing, I -- I really don't. They are vicious. And they will -- very competitive and I don't believe that they'll -- you'll see a problem where this'll go into their pocket, I think it'll actually go into the motoring public's pocket. In this video, there's a guy in a pick-up truck, and he's got five fifty-five gallon drums on the back of his

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pick-up truck and I'm not sure where he is, but I think he's in Iowa, filling them up. And here they're interviewing him. Well, he's obviously in violation of law doing this, but he doesn't know it. But he's over in some neighboring state filling up fifty-five gallon tanks -- gallon drums -- barrels with gasoline, bringing them back to Illinois and using it here, and obviously end running our taxing system. There's any number of individuals who say on the video that the only reason I'm going over to St. Louis, or I'm going over to West Quincy, or I'm going over to wherever is to buy gasoline at a lessor cost. And that Illinois has priced itself out of the market. When I saw this video the first time, a mayor of mine was in my office, and he told me of a story. He's got a CB radio and in my area, Route 55, Route 70, Interstates, trucks going up and down all the time, he commented about conversation that goes on between truckers on the highway, when -- when they're looking for a place to stop and get gas. And the -- and Troy, Illinois, which has got two major truck stops right in that area, and that's where this mayor was at -- at this particular time, conversation was, "Where can I get gas when I -- once I get into Missouri? I'm running low. I've got to get to Missouri. Where's the quickest spot I can stop and get gas." So it's a problem. There isn't any doubt about it. And I think that those who are concerned about the road program and -- and -- and maintenance of our highways should not be concerned. Also in this video it gives good rationale and reason why we'll actually see an increase in the motor fuel tax fund as a result of this legislation by lowering the cost and creating a higher demand. So I -- I'm enthusiastically supporting Senator Weaver in his efforts and hope you will also.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Parker.

SENATOR PARKER:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Parker.

SENATOR PARKER:

Just for the record, because I know that the Regional Transportation Authority has had questions on this legislation. Would this negatively affect the RTA?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver.

SENATOR WEAVER:

Not at all.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Parker.

SENATOR PARKER:

I wanted to clarify that for the record, that they have been involved. It will not negatively affect them, and I rise in strong support of this legislation.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I kind of get a kick out of this old argument that it's the wrong time to do it, we can't afford it, we don't have the money. And refresh my colleague's memory on the other side of the aisle, in '97-'98 increased revenue over the previous year one-billion one, the largest increase that I could ever remember, since I've been here, and I've been here a long time. The forecast for the coming year is a billion two or three, another gigantic year. Let me also refresh your memory, on the taxes we are now paying on gasoline, you're going to be interested. The State sales tax is 19.3 cents per gallon. The State sales tax is five percent. So,

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in other words, the highest - the more gas you buy the higher the sales tax is. Cook County is six cents. The City of Chicago is five cents. That's eleven cents. The City of Chicago and Cook County is the highest taxed gasoline in the United States. And then we have the federal tax of 18.4 cents. When you put all that together, Illinois' gas tax is the highest in the midwest. Cook County, City of Chicago is the highest in the United States. Go over to Hammond, and go over to those gas stations on the border of Indiana, it is unbelievable. Forty pumps to a station. They have the largest single highest volume gas station in the United States is Indiana on our borders. And it's not bad enough when they go over there to buy gasoline, they buy cigarettes, they buy pops, they buy liquor, they buy everything else. So we're losing those sales also. Senator Weaver, it's one of the few times you have been right and I'm very, very happy to support your wonderful Senate Bill 1458.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

On a point of order, Mr. President. How many votes will this require?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman, the bill preempts home rule power pursuant to Subsection G of Section 6 of Article VII of the Illinois Constitution. It, therefore, requires thirty-six votes for passage. Is there further discussion? If not, Senator Weaver, to close.

SENATOR WEAVER:

Thank you, Mr. President. I appreciate all the comments from the people who are directly affected on the borders, but I -- just one other point. This will sunset, if by January 2003, there hasn't been a fifteen-percent increase in gallonage. So, I would



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appreciate your support, and ask for a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 1458 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 46 Ayes, 8 Nays, 4 Members voting Present. Senate Bill 1458, having received the required three-fifths majority, is declared passed. Senate Bill 1463. Senator Mahar. Senate Bill 1473. Senator Donahue. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1473.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Mr. President. Last year we passed Senate Bill -- House Bill 202 -- House Bill 202, which deals with the nursing home, hospitals and surgery centers, trying to deal with backlog. And, in order to explain the bill I need to do some legislative intent and I think my explanation of the bill and what it does will be clarified in my legislative intent, Mr. President. So, I'll just go ahead and read what this does and then I'll be happy to answer any questions. Senate Bill 1473 is necessary to give the Department of Public Health some specific guidance concerning the implementation of legislation that we passed last year in House Bill 202. This provided for the payment of fees by hospitals, long-term care facilities, and ambulatory surgery centers in order to have plans for major construction reviewed by the Department. We gave the Department the ability to collect these fees because they were extremely backlogged in the

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processing of these reviews and did not have funds to hire additional staff. Now the Department's emergency rules went far beyond the intent of the original bill mandating a fee for virtually any project, large or small. This bill will clarify the types of projects subject to fees. Maintenance upkeep or renovation that does not affect structural integrity and does not add beds, is clearly exempt from the payment of fees. The Department has been collecting these fees since October, but little progress has been made on the backlog of plan reviews. Despite the actual language in House Bill 202, which mandates that the reviews be completed within sixty days, reviewers at the Department have repeatedly refused to start the clock because they -- they deemed that the submission of the plans was incomplete. This bill will close that loophole which allowed this practice. The Department must review an application, deem it complete or incomplete, within ten days after submission and then notify the applicant. If the submission is incomplete, the Department must notify the applicant why a submission is incomplete. It is my intent that the Department include in this notification a complete explanation of any additional materials required for that review and the clock will stop until these materials have been provided to the Department. Once the Department receives these materials back, then the Department will have a maximum of fifty days to review and act upon that submission. This bill also raises the threshold for the payment of the fee from five thousand to a hundred thousand dollars, because the initial threshold including many smaller projects that the Department had no need or really intention of reviewing. If you have any questions, I'd be more than happy to answer them, but this is a very important piece of legislation and I ask you all for your support.

PRESIDING OFFICER: (SENATOR WATSON)

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

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question is, shall Senate Bill 1473 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. Senate Bill 1473, having received the required constitutional majority, is declared passed. Senate Bill 1491. Senator Philip. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1491.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1491, as amended, amends the Medical Practice Act. Stipulates that out-of-state physicians applying for an Illinois license are subject to a criminal background check. Evidently we've had in the past -- there's supposed to be a national registry that you can go to a computer, if a doctor's had a problem in another -- been de-licensed in another state, you ought to be able to pick that up. It doesn't happen. The computers aren't up to date. And all this suggests is once in awhile we get a bummer. We want to be able to say No in Illinois. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1491 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. Senate Bill 1491, having received the

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required constitutional majority, is declared passed. Senate Bill 1507. Senator Philip. Out of the record. Senate Bill 1528. Senator O'Malley. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1528.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1528 represents the omnibus industry and regulatory bill which was worked on in the Financial Institutions Committee during the Session. I know of no opposition, and I would ask your support. I do stand ready to answer questions, however.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, I was -- I'm trying to get through one of the last amendments to the bill on the repossession finance charges. If someone has paid at least thirty percent of the down payment they're entitled to -- to repay the debt together with fees -- attorneys fees and so forth. Is this an increase in what they will have to pay over today's law?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

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No, it is not, Senator. They have the right to reinstate their loan.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley, to close.

SENATOR O'MALLEY:

Again, request the support of the Members of the Senate.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall 1528 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, 1 voting Present. Senate Bill 1528, having received the required constitutional majority, is declared passed. Senator Dillard, on Senate Bill 1544. Madam -- Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1544.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Some of you may remember that yesterday we stripped this bill down and made it a complete shell bill so that negotiations can continue between subcontractors, the lumbermen and various major contractors in Illinois on the topic of mechanics liens, which is somewhat complicated. Recently the State of Ohio made some changes that have worked very well. We're going to try to incorporate some of those into Illinois' law if we can come to an agreement. So this bill is a shell bill. We want to put it over in the House, let negotiations continue. And again, I will not call this thing on concurrence if there is still substantial

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opposition. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? If not, the question is, shall Senate Bill 1544 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 48 voting Yes, 5 voting No, 5 voting Present. Senate Bill 1544, having received the required constitutional majority, is declared passed. Senator Cronin, on 1561. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1561.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The contents of -- 1561 are a virtual potpourri of educational items. We have -- one item is it adds another representative from the Department of Human Services to the Community and Residential Service Authority. It also adds language that provides that -- when we moved the school board elections to April of odd-numbered years, there was necessitated certain technical language that we didn't do before that we're doing now. Includes contents of Senate Bill 1452, sponsored by Senator Demuzio, that's now in the bill. It allows -- further allows special ed co-op with at least seven members, rather than -- than those with just twenty, to appoint a governing board. It makes two changes to the Educational Labor Relations Act recommending -- that was recommended in the audit. Next item, it raises the statutory debt limit for the De Soto Elementary School District, for those kids

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down in Senator Luechtefeld's area. It clarifies the rights of community college boards to dismiss nontenured faculty members. And finally, it includes -- push back the date for the reinstatement of the School Finance Authority powers. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1561 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, 1 voting No, no voting Present. Senate Bill 1561, having received the required constitutional majority, is declared passed. Senate Bill 1566. Out of the record. Senate Bill 1567. Senator Mahar? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1567.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President, Members of the Senate. This is the Attorney General's -- Attorney General Ryan's initiative to curb slamming and cramming by telecommunications carriers in this State. It prohibits switching of a subscriber to another telecommunications carrier without the subscriber's authorization. It prohibits a telecommunications carrier from effectuating a change to a -- a subscriber's telecommunications services that will result in an additional charge to the customer without following the notification procedures. Places the responsibility for obtaining the subscriber's authorization for a change in

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telecommunication carrier with the company or carrier requesting the change. Requires the Commerce -- Commerce Commission to promulgate rules necessary to ensure that a subscriber of a carrier is not switched to another carrier or that additions are not made to a subscriber's residential services without the subscriber's authorizations. We passed an amendment -- or, adopted an amendment yesterday which excludes wireless services, delineates a process for obtaining third-party verifications in lieu of a letter. If a letter is to be required, the notice will be done in six days, as opposed to seventy-two hours. Negotiations, I would say to the Members, are ongoing on this issue, and I would anticipate that this bill will come back to us with a further amendment in the House.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Jacobs. Senator Jacobs withdraws. Any further discussion? If not, the question is, shall Senate Bill 1567 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. Senate Bill 1567, having received the required constitutional majority, is declared passed. Senator Karpziel, on Senate Bill 1585. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1585.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 1585 is a long-awaited bill which licenses -- licenses advanced practice nurses. The



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bill has been a subject of very serious and intense negotiations for the past two years between the doctors, the nurses and the Members of the Senate Licensed Activities Committee, and I want to thank all parties for working very hard and negotiating in good faith and compromising, and Senator Burzynski, who will be explaining the bill, for working in such good faith and coming up with what we finally have as a good compromise, agreed bill. This is an agreed bill. Now I do have to say there are two big portions of the original bill that is not in this, that have still not been -- consensus has still not been reached on. But this bill sets forth licensure requirements for nurse practitioners, nurse midwives and clinical nurse specialists. It allows limited prescriptive authority. It includes a joint board to advise the Department of Professional Regulation on discipline and rules, mandatory continuing education and written -- written practice agreements between doctors and advanced practice nurses. At this -- time, I will turn it over to Senator Burzynski, who is the sponsor of the amendment that actually became the bill, to explain. Either one of us will be glad to answer any questions you might have.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. I'd just like to ditto Senator Karpiel's comments. This has been a long-awaited bill. There's been a lot of hours put into it. Senator Madigan began work on this a couple years ago. We appreciate the groundwork that's been laid. I think that we'll just try and answer any questions that Members might have.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Jones.

SENATOR JONES:

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Yeah. Thank you, Mr. President. Sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Yes, they both indicate they'll yield.

SENATOR JONES:

Yes. On the portion as it relate to the nurse practitioners, could you tell us how that language is in the bill and whether or not there is any grandfathering?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

That was under the nurse practitioners, sir? Yes, sir. Yes, sir, there is a grandfathering clause in this bill relative to the nurse practitioners. There's also some additional language relative to new individuals coming into the practice. The -- the -- I think your concerns relative to Cook County Hospital, sir, are taken care of in this language. Yes, sir.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Further discussion? If not, the question is, shall Senate Bill 1585 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. Senate Bill 1585, having received the required constitutional majority, is declared passed. Senator Karpiel, on Senate Bill 1593? Out of the record. Senator O'Malley. Madam Secretary, please read the bill. Senate Bill 1610.

ACTING SECRETARY HAWKER:

Senate Bill 1610.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

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Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1610 is legislation to address the implementation and evolution, frankly, of the IGAP test. I -- I -- it has a number of provisions in it. The -- the amendment was -- that was added today specifically contains agreed language between the State Board of Education and those individuals who have been very, very strong proponents for the -- the original legislation. It is my intent as the sponsor, by bringing this legislation forward to the Body, to move it along to the House so that continuing negotiations can occur. I also want you to be aware that we -- we had another amendment that reinitiated the IGAP Review Committee that originally was put in place in 1995. Again, I want to thank the Members of the committee - the Education Committee - for their patience and understanding. This is an important subject area, and they were very patient and -- and worked with me throughout it. I fully expect to see this legislation come back to us with some additional language and look forward to working with the Education Committee to complete the process this Session. I'd be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1610 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. Senate Bill 1610, having received the required constitutional majority, is declared passed. Senator O'Malley, on 1612? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1612.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Mr. President, Ladies and Gentlemen of the Senate, Senate Bill 1612 authorizes the Metropolitan Water Reclamation District to create a Local Government Assistance Program for the purpose of issuing low-interest loans to local governments to finance improvements to local sewage systems. The genesis of this bill began with legislation I proposed and passed two years ago which was intended to allow MWRD to assist local communities in correcting problems and deterioration of their local sewer systems. Since passage of this legislation, I have encouraged, and MWRD has worked out, a more comprehensive program in order to assist communities to correct local sewer problems. This bill will allow MWRD to establish a low-interest loan program to lend money to local communities to rehabilitate their local sewer systems. Deteriorated sewers and separately sewer communities allow for the infiltration of large amounts of rain and groundwater which enters MWRD's collection system where it mixes with wastewater. As a result, the District has to treat clean water, which is a waste of taxpayers' money. With this revolving loan program, MWRD Superintendent Hugh McMillan estimates as much as twenty to twenty-five million dollars in reduced district annual operating costs are possible. I would be happy to answer any questions any Member may have.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

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Sponsor indicates he'll yield, Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator O'Malley, who will be the primary beneficiary of this loan program?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Rauschenberger, the cost of treating wastewater is picked up by all the taxpayers of the -- of the District, thus eliminating infiltration will result in savings to all the District's taxpayers. However, the problem is predominately a suburban one and the suburbs will be the primary focus of this revolving loan program. Again, the District anticipates that there are potential operating savings of twenty to twenty-five million dollars annually if the sewer problems in -- in the suburban communities are corrected. Consequently, the District has a lot of incentive to help suburban communities reduce and eliminate infiltration through -- sewer rehabilitation and repair.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Klemm.

SENATOR KLEMM:

Questions of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Klemm.

SENATOR KLEMM:

Senator O'Malley, how does one municipality or person or individual initiate such a loan program for improvements in their community?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Klemm, I -- I believe the administration of it will be

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similar to the existing program administered by the IEPA, but because the funds are going to be generated within the MWRD service territory, those communities would apply. And again, it would be administered similar to the existing program the IEPA administers.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Klemm.

SENATOR KLEMM:

The approval, then, is actually granted by the Metropolitan District itself on proposals that would be generated at a request, or could they do it on their own initiative?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

They -- they would have to apply to the MWRD, who will be the administering agency. They will be the ones generating the dollars to do so.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Klemm.

SENATOR KLEMM:

Is -- I didn't see that in the legislation; that they would have to have the applications submitted to them by the municipality. It appeared as if they could initiate that initiative on their own.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Klemm, it is -- it is the intent of the legislation, and I believe the legislation is drafted, so that it is administered by the MWRD.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

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SENATOR KLEMM:

I realize it's administered by it. I was talking about the application. But you've answered the question. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? Senator O'Malley, you wish to close?

SENATOR O'MALLEY:

In -- in an effort to make sure that I've clarified Senator Klemm's question with a response: Yes, the application, Senator, would -- would be initiated by a municipality that sought this assistance. But with -- with that clarification, I only ask that the Members of the Senate support this legislation. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1612 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? ...all voted who wish? Take the record. On that question, there are -- there are 49 voting Yes, no voting No, 9 voting Present. Senate Bill 1612, having received the required constitutional majority, is declared passed. Senator Myers, on 1622. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1622.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Myers.

SENATOR MYERS:

Thank you, Mr. President, Members of the Senate. This Act amends the Alternate Fuels Act, and it makes E85 blend fuel an alternate fuel. Senate Bill 276 created the Alternate Fuels Act and provided for a research and rebate program to encourage

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vehicle owners to convert to vehicles which use alternate fuels. The Governor's amendatory veto on Senate Bill 276, which was accepted by the General Assembly, changed the responsibility of collecting the twenty-dollar user fee from the EPA to the Secretary of State's Office. Senate Bill 1840, which -- recently -- Senator Rauschenberger's bill was recently passed, makes the appropriate changes for the Secretary of State to implement this Act. E85 blend fuel is a fuel that contains eighty-five percent ethanol and fifteen percent gasoline. And Senate Bill 1622 makes E85 blend fuel an alternate fuel. I would ask for a positive vote on this very good agricultural bill.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1622 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. Senate Bill 1622, having received the required constitutional majority, is declared passed. Senate Bill 1625. Senator Burzynski. Out of the record. Senate Bill 1628. Senator Cullerton. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1628.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill is so noncontroversial, I should be able to pass it with one hand tied behind my back. This bill now is a shell bill. We have been working with the Municipal League, the park districts and trial



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lawyers to try to reach an agreement. We adopted an amendment earlier today that made this -- made this a shell bill because we're real close to an agreement. Has to do with the Tort Immunity Act. Senator Dillard, Hawkinson and myself have had these meetings. We anticipate we'll have an agreement. We'll put it on in the House, and we'll come back here for concurrence. But, obviously, we have to move this bill over to the House for now, so I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1628 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, 1 voting No, 1 voting Present. Senate Bill 1628, having received the required constitutional majority, is declared passed. Senate Bill 1664. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1664.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill authorizes the State Board of Education to issue grants for Partnership to {sic} (for) Careers program. Program involves school districts and private businesses offering work-based job training programs for high school students. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR WATSON)

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

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question is, shall Senate Bill 1664 pass. All those in favor, vote Aye. Opposed, vote No. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, 1 voting No, 1 voting -- none voting Present. And Senate Bill 1664, having received the required constitutional majority, is declared passed. Senator Dillard, on 1675. Senator Dillard? Out of the record. Senate Bill 1700. Senator Donahue. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1700.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1700 is a child support bill that was requested by the Department of Public Aid, and it does a myriad of different things. It makes changes that have been recommended by a working group. The changes include things like revising the administrative process to ensure due process, equal protection and compliance with federal requirements. It repeals the Child Support Information Act. Makes technical cleanups. It allows for the private process servers. And it just makes various changes. But, in addition, the Department has indicated that they will be amending this further in the House to add provisions to create a State Case Registry to place Illinois in compliance with federal law. We've had problems with how to orchestrate this. And I look forward to working with the Department, and I would ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Is there any discussion? If not, the question is, shall Senate Bill 1700 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And Senate Bill 1700, having received the required constitutional majority, is declared passed. Top of page 5, in the Order of Senate Bills 3rd Reading, is Senate Bill 1702. Senator Butler. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1702.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

Thank you very much, Mr. President. Ladies and Gentlemen, those of us who have been active in -- in Party affairs know how boring the off-year conventions -- political conventions can be. This bill authorizes each chairman of a State central committee to determine whether or not to call a State convention in non-Presidential years. So it's a matter of choice. At the same time, it says that the convention must be held within a hundred and eighty days after the primary. And, finally, it -- it makes clear how to replace a vacancy in the office of State central committeeman. And as -- the amendment was filed this morning. It shall be filled by a weighted vote of the county chairmen or, in Cook County, by the appropriate ward and township committeemen. This bill clears up a lot of questions about State conventions, and I would urge support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

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Senate Bill 1702 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? ...the record. On that question, there are -- there are 57 Ayes, no Nays, none voting Present. And Senate Bill 1702, having received the required constitutional majority, is declared passed. Senator Butler, what purpose do you rise?

SENATOR BUTLER:

Guess. I intended to vote Yes on the last bill, believe it or not.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Record will so reflect your intent, Senator Butler. Senator Rauschenberger, what purpose do you rise?

SENATOR RAUSCHENBERGER:

Next bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

In the Order of Senate Bills 3rd Reading, Senate Bill 1704. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1704.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. In the tradition of -- of Senator John Cullerton's effective work with a shell bill, I have two arms, and I would appreciate support on this. This is the shell for the Budget Implementation Act.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1704 pass. All those in favor will vote Aye. Opposed

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will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 46 Ayes, 1 Nay, and 4 voting Present. Senate Bill 1704, having received the required constitutional majority, is declared passed. Senate Bill 1705. Senator Watson. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1705.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Thank you very much, Mr. President. This bill follows up legislation we passed last year, Senate Bill 939, that created the Brownfield tax credit and grant program. There was problems with the bill in how we would identify those sites that would be able to participate in the program. Originally it was by census tract, and the Department of Commerce and Community Affairs and Department of Revenue and others were having a very costly problematic problem of just determining where those census tracts were. So we come back now and we just simply say that enterprise zones will now identify those areas in which the Brownfield legislation and tax credit and grant program will be eligible. The Department of Commerce and Community Affairs, Revenue, EPA and the Governor's Office all support this. There's no opposition.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1705 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting

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Present. And Senate Bill 1705, having received the required constitutional majority, is declared passed. Senate Bill 1706. Senator Rauschenberger. Senator Geo-Karis, what purpose do you rise?

SENATOR GEO-KARIS:

I -- I pushed the darned button down on that last one and wanted to be voted as Aye. It didn't reflect...

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record will reflect your intent, Senator Geo-Karis. Senator Rauschenberger. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1706.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you. This bill is a twin to 1704. It's a budget implementation shell. I'd appreciate favorable consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1706 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 1 Nay, 1 voting Present. And Senate Bill 1706, having received the required constitutional majority, is declared passed. Senate Bill 1707. Senator Donahue. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1707.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsorship of Senate Bill 1707 has been changed to Senator Donahue. Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Mr. President. Senate Bill 1707 has three parts to it. It revises the Meat and Poultry Inspection Act that -- as mandated by the federal government. It amends the Grain Code in various places -- places for the purposes of clarification, and it deals with the Livestock Waste Management {sic} (Management Facilities) Act that was described earlier this morning by Senator Sieben. But I'd like to just hit some high points of that amendment. It sets construction standards for all livestock waste handling structures, which is very important. It affects all sizes of facilities and it includes pits, slurry stores and prefabricated structures. It allows for local input on soil type and water table levels from the soil and water districts, the regional U.S. Department of Agriculture Natural Resource Conservation Service, or the University of Illinois Cooperative Extension. Another high point is, the waste management plan requirements change to require facilities under common ownership that are located in Illinois to combine those animal units to determine the threshold number for maintaining a waste management plan. And it provides for the joint and several liability of all owners, operators and controlling persons of a livestock management facility. I think this closes a lot of loopholes that people thought existed in the original bill, and I think it's a very important piece of legislation and I ask you for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any...

SENATOR DONAHUE:

Be happy to answer any questions.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1707 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 1707, having received the required constitutional majority, is declared passed. Senate Bill 1709. Senator Thomas Walsh. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1709.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Thank you, Mr. President and Members of the Senate. Currently, for all Lottery games, excluding the multi-state Big -- Big Game, unclaimed prize money can be included in the prize pool of a special drawing as the Director of the Lottery may, from time to time, designate. All funds not utilized for the special drawing are then deposited in the Common School Fund. What Senate Bill 1709 says is that all unclaimed prize money not included in the prize pool of a special drawing shall be transferred to the Common School Fund, and I would be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1709 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And Senate Bill -- 1709, having received the required



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constitutional majority, is declared passed. Senate Bill 1710.  
Senator Philip. Senate Bill 1713. Senator Geo-Karis. Madam  
Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1713.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill is the initiative of the Department of Human Services to implement the Sex Offender Civil {sic} (Sexually Violent Persons) Commitment Act passed last year as Senate Bill 6. And this bill incorporates several changes. It adds service providers who contract with DHS to treat those committed as a sexually violent person. And it also allows the Department of State Police to provide criminal history information to Department of Human Services as part of its assessment and evaluation process.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill -- 1713 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And Senate Bill 1713, having received the required constitutional majority, is declared passed. Senate Bill 1750. Senator Lauzen. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1750.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. This bill creates uniform measurable accountability standards for adult vocational education and job training programs, as well as sets up pilot programs making performance-based payments to providers of adult education and job training services. There are many agencies affected. There are going to be more meetings anticipated. I anticipate changes are going to be made in the House, especially to take care of two concerns: that we avoid any redundancies and we be sure that training benefits are available where the needs are greatest.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1750 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 3 Nays, none voting Present. And Senate Bill 1750, having received the required constitutional majority, is declared passed. Senate Bill 1784. Senator Rauschenberger. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1784.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. These are the -- the next four bills will be the appropriation shell bills that we need to send over to the House to move the process along. I'd appreciate favorable consideration.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1784 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, no Nays, 1 voting Present. Senate Bill 1784, having received the required constitutional majority, is declared passed. Senate Bill 1785. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1785.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I'll waive my explanation. It's exactly the same as the -- the previous and will be the same as the...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1785 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, no Nays, 4 voting Present. And Senate Bill 1785, having received the required constitutional majority, is declared passed. Senate Bill 1786. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1786.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 1786 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, 3 voting Present. And Senate Bill 1786, having received the required constitutional majority, is declared passed. Senate Bill 1787. Senator Rauschenberger. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1787.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Now this bill I thought maybe I'd do a very careful explanation of how a shell bill works, but I'd just appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 1787 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, 5 voting Present. And Senate Bill 1787, having received the required constitutional majority, is declared passed. At the request of the sponsor, we will be holding Senate Bills 1806 through Senate Bills 1815. The middle of page 6, in the Order of Senate Bills 3rd Reading, is Senate Bill 1830. Senator

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Rauschenberger. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1830.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill would repeal the Health Facilities Planning Board. Over the last two years, through the appropriation process and through a number of meetings, we've been trying to encourage the Planning Board to make some substantive changes in how they do their process and maybe update themselves and open up their process a little bit more effectively. They've made some representations to us that they'll provide some data. They're going to continue to work with us. I'm going to take this bill out of the record, but I want people to know that we're still going to work carefully with the Health Facilities Planning Board until we -- we are sure that either they're going to work with us or we will come back to you with a suggestion that we abolish them. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Out of the record. Senate Bill 1833. Senator Syverson. Senator Syverson. Senate Bill 1834. Senator Syverson. Senate Bill 1835. Senator Parker. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1835.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

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Mr. President, Ladies and Gentlemen of the Senate, the Elder Abuse and Neglect Act was signed into law ten years, and since implementing the program, local service providers, Area Agencies on Aging, the Department on Aging and other aging advocacy groups have come across some limitations in the current legislation. Senate Bill 1835 addresses these concerns. It includes financial exploitation as an abusive behavior, identifies certain persons as mandated reporters of abuse, neglect or exploitation of eligible adults and expands the Department's responsibilities to include promotion of awareness of elder abuse issues and coordination efforts with other agencies. I would be glad to answer any questions and request a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1835 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And Senate Bill 1835, having received the required constitutional majority, is declared passed. Senate Bill 1853. Senator Trotter. Senator Trotter. Senator -- Senator Collins, what purpose do you rise?

SENATOR COLLINS:

Thank you. I know you -- we're trying to get out of here, but I had my light on on the previous bill and -- before we voted on it. However, I would have supported the bill, but I guess this is another good example of pirating. Senator Parker, you were not here. Senator Parker, I introduced that bill five years ago, and we would not have had the -- the kind of problems that we are experiencing now with elderly abuse had that side of the aisle supported the bill, and some Members over here.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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I beg your pardon. Senator Collins, I did not see your light. On the Order of 3rd Readings, Senate Bills, in the middle of page 6 is the Order of 3rd Reading, Senate Bill 1853. Senator Trotter. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1853.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, sir. Senate Bill 1853 addresses the disclosure of information from utilities to law enforcement officers. It requires that the information requested must be put in writing and that it must be done for law enforcement purposes. This legislation was actually initiated because it was found out that one of our utility companies did not have a policy in which they disclosed information, and we felt that as a consumer protection, we should set up some kind of formalized method on which it's being done. The police department, the City of Chicago, and the utilities as a whole have agreed to this language, and I would like to see its passage.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1853 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And Senate Bill 1853, having received the required constitutional majority, is declared passed. Senate Bill 1854. Senator Mahar. Senate Bill 1860. Senator Butler. Senate Bill 1878. Senator Bowles. Madam Secretary, read the bill.

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ACTING SECRETARY HAWKER:

Senate Bill 1878.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President and Members of the Senate. Senate Bill 1878 amends the Code of Civil Procedure for extending quick-take, and Southwestern Illinois Development Agency -- or, Authority, rather, was first given quick-take authority by the Legislature in May of 1996. This bill would extend their quick-take authority until August the 30th, 2000. And at the -- at the present time, the SWIDA is involved and has filed quick-take proceedings for three hundred acres in the Gateway Commerce Center in Madison County, which is a part of the enterprise zone created by the Legislature, and further, there have also been quick-take proceedings filed for the Gateway International Raceway in St. Clair County. And the proceeding that was filed in Madison County has now been transferred -- excuse me, to the court of St. Clair County so that all of the litigation involved in this quick-take procedure is in the court in St. Clair County. It -- the purpose for which they require -- are asking for this additional area is for the parking lot for the Gateway Racetrack, because they are looking to have the Winston Cup there. This area happens to be an extremely depressed area, poverty-ridden area, and what will happen here and what is happening as a result of the racetracks being there, what will happen if we continue to develop this area: hotels, restaurants, all kinds of economic developments are -- are happening in this area and are being proposed for this area if the quick-take is allowed to happen and eminent domain would take over. I will very



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quickly tell you that I am not locked in to quick-take; however, in this case, this is, in my opinion, an excellent piece of legislation for the benefit that will accrue in that particular area for the economy of the area.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Petka.

SENATOR PETKA:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Petka.

SENATOR PETKA:

Senator Bowles, the -- the subject matter of this quick-take is private property that is owned by -- by an individual. What is the -- first of all, the size of the -- the acreage?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bowles.

SENATOR BOWLES:

A hundred and forty-eight acres of vacant land for the expansion of -- and, incidentally, I might expand, if I may, Senator Petka, in that there has been an appraisal of this land of nine hundred thousand dollars, and there's been an offer of a million dollars, which has been rejected at this point.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

This is unimproved farmland, is it not?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bowles.

SENATOR BOWLES:

Yes, it's unimproved, vacant ground, right.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

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SENATOR PETKA:

And at this point in time, the gentleman refuses to sell at any price. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bowles.

SENATOR BOWLES:

That -- apparently that is correct. Yes, Senator.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

And what you seek is to have the Legislature authorize a form of eminent domain known as quick-take to take the property from that individual and give it to the Southwestern Industrial {sic} (Illinois) Development Authority.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bowles.

SENATOR BOWLES:

Thank you, Senator, for putting it in that language. It is my understanding, Senator Petka, that there will be continued efforts to arrive at what is an agreeable figure. The gentleman, Piolet, is represented by legal counsel. There will be further pursuance of the litigation that is presently pending. And we -- we hope that if this comes out of the Senate, that there will be further activity in the House.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

As a matter of fact, once the agency takes control of this man's private property, it is their intent to sell that property back to a private concern, correct -- right. So -- so that we have the -- so we are going to dispossess this man of his property, government will take the property and then sell it to a

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-- a private concern.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bowles.

SENATOR BOWLES:

I am certainly aware and not in total disagreement with your position, Senator Petka; however, as I said earlier, this is an extremely depressed area. And at this point, the economics of the situation are paramount - not that this man's interest in his private property is not a concern; it most certainly is. And I, as the sponsor of the bill, would certainly hope that there will be some successful effort made to arrive at a price for the sale of the property by Mr. Piolet for the furtherance of the racetrack interests.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

Thank you, Senator. You know I have the greatest respect for you and the efforts that you're making in connection with this, but I do believe that we have laid out the factual scenario really as concisely as we can. You know, one of my -- my favorite people, former President of the United States Ronald Reagan, in a speech which he gave while he was President, said that the Declaration of Independence and the Constitution of the United States are covenants that we have made not only with ourselves but with all mankind. Our founding documents proclaim to the world that freedom is not the sole prerogative of a "chosen few". It is the universal right of all of God's children. Our founding fathers placed in the Constitution, more than two centuries ago, a provision that private property can only be taken for the public use with the payment of just compensation. Think about what we just said. Government is being asked to -- to take property from an unwilling seller, at any price - at any price - and for the

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perceived public good, is going to take the property and sell it to someone else: the chosen few. Now, in the name of economic redevelopment over the last decade, we have permitted so-called blighted or slum areas to be bulldozed for a greater public purpose and use, and I don't think that too many people quarrel about that. But the next step in the process is something that should be troubling to anybody who has freedom in his heart. In the City of Joliet, in Senator Walsh's district, a couple of years back, the City of Joliet decided that it would be wonderful to have a public park along an area where people lived in homes that were built during the Great Depression. These were not homes that were run down. They were basically homes that people built during an era and who simply did not have economic means to be able to afford anything better. A private corporation gave the City of Joliet two million dollars and said: If you will condemn twelve to fourteen homes, we will give you the money for that as long as you convey back to us two or three lots that we can use for our purposes. The City of Joliet's rationalization for taking private homes for a public recreational purpose was that the Legislature, in the past, has authorized the redevelopment of property, even though at that time we were not dealing with blighted property. In this instance, we're dealing with unimproved, vacant land where the chosen few - a private corporation - has gone -- come to the government and one of the -- one of the best Senators we have in this Body, and said: Would you -- would you do for us what this individual is unwilling to do? Force government down his throat, take his -- take this land and submit it to someone else. You know, we can -- we can rationalize that this is good for economic development, and it may very well be, but it sure is not good for freedom. Ronald Reagan said it correctly, in paraphrasing the founding fathers, that big government is the inevitable enemy of an individual's right to his

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life, liberty and his right to pursue happiness and to own property. And here we have it right on the line in a factual scenario that couldn't be clearer: Government is being asked to dispossess a person of his property against his will so that a few -- chosen few developers can pocket millions. Please vote No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. -- Mr. President. I -- I -- unfortunately, this has become a one issue, one-piece-of-property piece of legislation. I think that's a mischaracterization of what's going on. Actually -- and I don't know what the actual vote was, but we voted two years ago to give them -- to renew their quick-take, and basically all we're doing this time is renewing their quick-take. They've taken property in the past that has allowed the southwestern part of Illinois to develop, to thrive. You know, we had a major race -- racing event the Saturday before the Sunday of the Indianapolis 500. We had about sixty thousand people at that racetrack, and that's saying a lot for -- for that area. And it's not just about that. It's about other pieces, other development in that southwestern area -- southwestern Illinois area that we're looking at. It's not just the racetrack. It's other enterprise: trying to help develop other enterprise zones, trying to build industrial parks, trying to build hotels and trying to just basically use this as a tool for economic development. One of the things that has not been mentioned is that quick-take cannot happen unless the local governing body approves it. They can't operate independently just because they're an agency. So it's much bigger than the racetrack. This is a tool that has been used by municipalities to help foster economic development, to help build houses in communities. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Any further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. Well, far be it from me to take a few steps away from Ronald Reagan, but I guess I'm going to have to do it. I -- this is really something that's very important, obviously, to our area or you wouldn't -- you wouldn't see the three of us who represent the -- the Metro East area all rising in support of legislation such as this. And I think most of us agree, and I certainly take quick-take very seriously. I'm not a very strong -- I'm not a very big proponent of it in many cases, but in this particular instance, Southwestern Illinois Development Authority has handled themselves over the years, since we've granted them quick-take, in a very professional manner. And that's something, I think, that -- that's why we renew this. That's why it's not something that we've just given them carte blanche. We've renewed this on six different occasions where we've -- we've come back to the General Assembly and asked for consideration for quick-take and I think the reason being that we believe that if, in fact, abuses take place, then there's -- there's obviously some concerns and maybe it shouldn't be granted in the future. One thing that was mentioned that Evelyn talked about was appraisal. There was an appraisal and the ground was -- in this particular project. And I agree with Senator Clayborne. I think it's unfortunate that we're focusing on one particular project versus the overall good of the region that has come from the ability of Southwestern Illinois Development Authority to have this particular public policy. But anyway, the -- the ground was appraised at nine hundred thousand dollars and they've offered a million and negotiations are -- are continuing. Now, as I understand it, the condemnation procedure and ultimately quick-take, a jury will decide. A jury of people from Madison-St. Clair County area will decide who, in fact, and what

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the award or what the -- the price may be. So that, I think, is -- is important to realize, that this isn't ultimately going to be just grabbed up, as some of you may think, and taken away from these -- these individuals. It's not, simply, the case. I think there's some other misinformation out there about the individuals who -- who own this property. We're talking about a hundred and forty-eight acres, and they own considerably more ground than that, and the business in which they operate is not part of what we're talking about. This is vacant land. It's just available there that -- that is not -- does not have any -- any business on it at this particular point in time. The racetrack -- and I don't know the "favored few". I hate to hear that being said because the racetrack in that area -- and I don't know if you follow NASCAR racing or sport racing at all, but it has been an incredible addition to the economic impact and -- and the positive things that are happening in southwestern Illinois. A lot of good things are happening, and a lot of good things are happening because all of us work together in that region for the betterment of -- of the region as a whole. And that's why it's kind of refreshing to see all of us here supporting this legislation and working in an effort to try to bring about a better quality of life for the people we represent. So I hope that -- that you will join me and - at least on this side - some of you will join me and -- and take a couple of steps away from Ronald and -- and do the right thing for the people in southwestern Illinois.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Klemm.

SENATOR KLEMM:

Well, thank -- thank you, Mr. President. I don't really want to belabor this, but I think we're on a very important issue here. And it's an issue about government authority, if you will, taking away private property and giving it to somebody else under private

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property. The bill came to my committee, in the Executive Committee. Let me give you a little history of what's really happened here. This agency -- this Authority was created in 1987, and among those powers that were given was the power to take possession of real property by eminent domain in condemnation proceedings. That remains true today. But in addition to that, we gave them the power of quick-take to take and relinquish the property title from an individual to them. Now, this is a expedited condemnation proceedings - over and above what they have the authority to have now, that if this bill were not to be passed, they would still enjoy. Let me tell you the difference between quick-take, if you will. Quick-take can take a -- a private property person's land in five days after they file a condemnation proceedings. They were given this power in 1987, and those powers sunsetted in 1990. At that time, because of public outcries, because of the abuses that was thought that SWIDA took on taking private lands, the Legislature voted not to extend that quick-take authority. It was not until 1995, five years later, that we decided we would do that again, but only with restrictions. It was Senator -- I think it was Stephens, in the House, had said that when he did that, and according to the legislative history, that these added restrictions were designed, quote, "to restore the public trust in this organization". Now, these people are hardworking people. They're doing what they think is right - no question about it. I commend them for what they're doing. But I think they're getting wrong advice by their counsel. Barely one year after regaining this quick-take authority, SWIDA was asked by a private corporation, Gateway International Motor Sports Corporation, to take land from a private citizen so they could use it as a parking lot. Now, Gateway is a private corporation based out of California. They own and operate several racetracks. They took it - and there was a



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gentleman, an elderly farmer - that even though the Illinois Constitution and the U.S. Constitution prohibits taking away private property for private uses, they went ahead and voted to do this. This gentleman was seventy-seven years old. How is he going to fight this? Quick-take condemnation by an organization. What's the legal fees for this poor gentleman to do it? He finally, out of just necessity, signed a lease to do it. Unfortunately, he -- the gentleman died two months after he did that. On February 20th of this year, Gateway again asked SWIDA to exercise its quick-take powers for Gateway's benefit. SWIDA agreed to do those biddings, again taking land from another private person who didn't want to sell. Maybe they would have sold at a different price. Maybe the prices would have gone up. If they use their eminent domain, at least they go to court, at least the trial judge, if you will, can determine the value of that land before they take that land over and start developing it. That's one of the differences, and they don't lose that. In their application for quick-take eminent domain that Gateway had submitted, one of the purposes that they used for wanting this land is to, quote, "increase the value of racetrack". That's what they wanted to do. This quick-take guidelines -- let me give you the guidelines that they use. For twenty-five hundred dollars, a private developer can apply to SWIDA to take somebody's land away for private use. For twenty-five hundred bucks, you can go here and they'll take the land away, and their application, mind you, even though it's against the Constitution, does indicate that and does state that. They not only have government applications for -- public use...

PRESIDING OFFICER: (SENATOR DUDYCZ)

I beg your pardon. Senator -- Senator Klemm.

SENATOR KLEMM:

...they have it all for private use.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm...

SENATOR KLEMM:

I think -- and I'm going to close right now.

PRESIDING OFFICER: (SENATOR DUDYCZ)

No. I think that what you have to say is important. I just would like for the Chamber to keep their noise down a little bit so we can all hear you. Senator Klemm.

SENATOR KLEMM:

Thank you. I just think carrying this quick-take to this alarming extent is beyond what we should be doing. Quick-take has a bona fide use. These organizations working hard, SWIDA's working hard to do it. They have eminent domain. They can go in there. At least they allow the landowner and the agency to go to court, determine what the value is, get the settlement, and then they can take over the land. There's nothing wrong with that approach. They don't lose that power. It's just that we should be very cautious. And I know how hard they work and I know the economic development is important, but this maybe even transcends that because it really sets a precedent of what we should do for government for the private use of others. I think we should vote against this bill. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President, Members of the Senate. You know, listening to Senator Klemm and Senator Petka, it almost brings tears to my eyes, talking about this -- poor people that's got this land over -- this hundred and some acres of land that's going to be -- they'll offer him some six or seven thousand dollars an acre for it. There's not that much demand for land in that area. It's not very often that someone will come along that'll want to

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do something in that blighted area in East St. Louis. But you've got to really know the area to -- to really appreciate it. But, you know, this is not some poor individual; they're taking his land. This is some man who's going to get wealthy off of a small tract of land at the expense of these -- these developers that want to come in and do something for a blighted community which will generate a lot of revenue. And I think it's a good piece of legislation. We should pass it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR BOWLES:

Thank you, Mr. President. I would just ask for an affirmative vote on Senate Bill 1878. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 1878 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 34 Ayes, 20 Nays, 0 voting Present. And Senate Bill 1878, having received the required constitutional majority, is declared passed. Senate Bill 1884. Senator Demuzio. Madam -- Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 1884.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill amends the "guardians for disabled adults" Article of the Probate Act which allows for a temporary restraining order for -- or a preliminary injunction in order to prevent an allegedly

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disabled person from dissipating his or her assets. It specifies that this is permitted only in order to prevent a person who is allegedly disabled due to a gambling addiction from dissipating his or her assets. This amendment was put on by Senator Hawkinson and supported by the Illinois Department of Human Rights -- Human Services, rather, and also the Illinois Church Action on Alcohol Problems. I know of no opposition...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1884 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And Senate Bill 1884, having received the required constitutional majority, is declared passed. Bottom of page 6, in the Order of Senate Bills 3rd Reading, is Senate Bill 1889. Senator Cronin. On top of page 7, in the Order of Senate Bills 3rd Reading, is Senate Bill 1896. Senator Philip. Senator Philip. 1897. Senator Philip. Senate Bill 1903. Senator Madigan. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 1903.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR MADIGAN:

I'm sorry, Mr. President. Would you please take Senate Bill 1903 out of the record?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Out of the record. Senate Bill 1904. Mr. Secretary, read the bill.

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SECRETARY HARRY:

Senate Bill 1904.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President and Members of the Senate. Senate Bill 1904, as amended, contains numerous clean-up and clarifying changes in the Insurance Code and also in the Employee Leasing (Company) Act that we passed last year. I'd like to represent to the Body that Senate Bill 1904 represents all the cleanup that we need to do on the changes in this Statute; however, as I pointed out yesterday when we put the amendment on, that there was still some questions about the office of the special deputy. Those questions still remain and we hope to be able to address and -- answer Senator Berman and Senator Cullerton's concern with a House amendment. If we cannot do that over in the House, I will assure the Body that we will delete that language on an amendment over in the House and work on that at some point in time in the future. I'd be glad to answer any questions on Senate Bill 1904...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1904 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And Senate Bill 1904, having received the required constitutional majority, is declared passed. Senate Bill 1912. Senate Bill 1919. Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

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

House Joint Resolution 60.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver moves to suspend...

SECRETARY HARRY:

(Secretary reads HJR No. 60)

Adopted by the House, April 2nd, 1998.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver moves to suspend the rules for the purpose of the immediate consideration and adoption of House Joint Resolution 60. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Now Senator Weaver has moved for the adoption of House Joint Resolution 60. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. We'll now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those read in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY HARRY:

No objections filed, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

If not, the -- any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The motion carries and the resolutions are adopted. Messages.

SECRETARY HARRY:

Message from the President, dated April 2nd, 1998.

Dear Mr. Secretary - Pursuant to the provisions of Senate

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Rule 2-10(e), I hereby extend the deadline for final action on the following categories of bills, with specific bills enumerated under these categories, to January 1, 1999:

Revenue, specifically: House {sic} Bill 1566;  
and Bond Authorization, specifically: Senate Bills  
1806, 1807, 1808 and 1809.

Signed by President Philip.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the adoption of -- in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bills 2443, 2555, 3399, 3406 and 3778.

And a like Message on House Bill 3575.

All passed the House, April 2nd, 1998.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further business to come before the Senate. If not, pursuant to the adjournment resolution, Senator Fitzgerald moves the Senate stands adjourned until 12 o'clock, on noon -- Tuesday, April 21st.

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