

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

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 the guests in the galleries please rise? Our prayer today will be given by the Reverend William Schroeder, Trinity Evangelical Lutheran Church, Springfield, Illinois. Reverend Schroeder.

THE REVEREND WILLIAM SCHROEDER:

(Prayer by the Reverend William Schroeder)

PRESIDENT PHILIP:

Please rise 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 an approval of the Journals of Monday, May 12th; Tuesday, May 13th; Wednesday, May 14th; and Thursday, May 15th, in the year 1997, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Amendment 1 to House Bill 66 Be Adopted; Amendment 2 to House Bill 70, Amendments 2 and 3 to House Bill 279, Amendment 2 to House Bill 379, Amendment 1 to House Bill 613, Amendment 2 to House Bill 1029, Amendment 1 to House Bill 1101, Amendment 2 to House Bill 1140, Amendment 2 to House Bill 1141, Amendment 2 to House Bill 1254, Amendment 2 to House Bill 1337,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Amendment 1 to House Bill 1373, Amendment 1 to House Bill 1589 and Amendment 1 to House Bill 2152 all Be Adopted; Senate Bill 12 -- 112, the Motion to Concur with House Amendment 1 Be Adopted; Senate Bill 113, the Motion to Concur with House Amendment 1 Be Adopted; and Senate Bill 587, the Motion to Concur with House Amendment 1 also 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 concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 6, together with the following amendments, which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendments 1 and 2 to Senate Bill 6.

Passed the House, as amended, May 15th, 1997.

We have like Messages on the following Senate bills with House amendments: Senate Bill 25, with Amendment 1; 71, with Amendments 1 and 2; 80, with Amendment 1; 120, with Amendment 1; 237, with Amendment 1; 304, with Amendment 1; 315, with Amendment 1; 368, with Amendment 1; 423, with Amendment 2; 433, with Amendment 2; 437, with Amendment 1; 454, with Amendments 1 and 2; 460, with Amendments 1 and 2; 475, with Amendment 1; 529, with Amendments 1 and 2; 537, with Amendment 1; 548, with Amendment 1; 596, with Amendments 1, 2 and 3; 659, with Amendment 1; 670, with Amendment 1; 710, with Amendments 1 and 2; 715, with Amendment 1; 777, with Amendments 1 and 2; 780, with Amendment 1; 837, Amendment 1; 939, with Amendment 1; 954, with Amendments 1 and 2; and 999, with House Amendment No. 1.

All passed the House, as amended, May 15th, 1997.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

PRESIDING OFFICER: (SENATOR DUDYCZ)

I would ask all Members who are still in their offices to please come to the Floor. Today is the final day for the Senate to consider substantive House bills on 3rd Reading. We will first be going through the Order of House Bills 3rd Reading for the purposes of recall. We will then go through the Calendar, House Bills 3rd Reading, one time and then we will adjourn for the week. So the intent of the Chair is to proceed to the Order of House Bills 3rd Reading on page 2 of today's Calendar, and we would ask all Members to be prepared to debate their bills for the final time on 3rd Reading, because the Chair intends to go through the Calendar -- Calendar one time and one time only. Once again, we are going through the Calendar, House bills on the Order of 3rd Reading, for the purposes of recall, and then we will be going through the Calendar one more time for a final debate. Middle of page 2 are -- in the Order of House Bills 3rd Reading is House Bill 66. Senator Karpziel, do you wish this bill returned to 2nd Reading for purposes of amendment? Senator Karpziel seeks leave of the Body to return House Bill 66 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 66. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Karpziel.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. The amendment on House Bill 66 is -- becomes the bill that I mentioned yesterday in passing House Bill 165 dealing with DCFS and permanency placements and termination of rights, the bill that was worked on by all the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

various child care interest groups in the State. And this is the follow-up bill to that that cleans up the language that the State's attorneys had a problem with, as well as the -- some of the other -- some of the other groups. I'll be glad to go through it if you -- if you wish; otherwise, I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bill 70. Senator Dillard, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Dillard seeks leave of the Body to return House Bill 70 to the Order of 2nd Reading for purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 70. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. This amendment does two things. It takes the drug ketamine, which is offered by veterinarians, and moves it into a schedule on -- on the controlled substances list, like the veterinarians of the State have requested. So it's technical in nature. It just moves it from one part of our Statutes to another, and then it also adds the drug GHB, and I would move its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. ...leave of the Body, we will return later to House Bill 260 for the purposes of recall. House Bill 297. With leave of the Body, we will return to House Bill 297 for the purposes of recall. House Bill 379. Senator Link, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Link seeks leave of the Body to return House Bill 379 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 379. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Link.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. This amendment is basically cleaning up this bill on a technical thing to -- the Amendment -- No. 1 is the request that -- amendment -- the amendment, as requested by the Chair, that this amendment requires the people convicted of child abduction, which is involved in intentionally luring and attempting to lure children under the age of sixteen into a motor vehicle and other sexual offenses be added to the Sex Offenders' Registration Act. I would ask that we move for adoption on this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Trotter.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

SENATOR TROTTER:

Thank you very much, Mr. President. I don't think there is anyone in this Chamber who really -- who doesn't feel like I do... There's no one in this Chamber who doesn't feel like I do, that justice isn't swift enough nor harsh enough when you're dealing with sexual predators. We have had a rash in our State, and certainly in the City of Chicago, of children being abducted. This bill imposes harsher penalties, changes -- it takes it from a Class 2 felony to a Class 3 felony, and we would like to see its passage.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bill 613. Senator Cullerton. Senator Cullerton, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Cullerton seeks leave of the Body to return House Bill 613 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 613. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This amendment was approved by the Judiciary Committee yesterday. Makes a number of, really, technical changes to Sections of the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Business Corporation Act. And it comes as a result of work from the Chicago Bar Association's corporations committee. I would move for its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bill 1029. Senator Link, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Link seeks leave of the Body to return House Bill 1029 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1029. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Link.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. What this will do will require that evidence -- a defendant, after a court waives a prohibitive value in the evidence against undue prejudice of a defendant. This is similar -- same thing as -- that was in Senate Bill 5, which was passed by this Body as a safeguard. I would ask that this motion be approved.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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?

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bill 1101. Senator Jacobs. Senator Jacobs, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Jacobs seeks leave of the Body to return House Bill 1101 to the Order of 2nd Reading for purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill -- House Bill 1101. Mr. Secretary, are there -- are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Jacobs.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Amendment 1 deletes the underlying bill, which is no longer needed because of an agreement made between the Attorney General and the State employees. This amendment is in response to a recent ruling by an Appellate Court which held that when a circuit court grants a victim of a crime a judgment for restitution, that court cannot order interest on the judgment. This strictly brings it into conformity with the rest of the interest that can be charged for orders of judgment, and it would allow for nine percent for the victims to be retained.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bill 1140. Senator Cullerton. Mr. -- Senator Cullerton, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Cullerton seeks leave of the Body to return House Bill 1140 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1140. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This amendment was also approved by the Judiciary Committee yesterday, and it deals with the eligibility for office. We had debated this bill on the Floor, took it out of the record, went back to committee with this amendment, then was approved by all the Members of the Judiciary Committee. What it says is that, if you're a convicted felon, you cannot run for public office. This is the -- not the same amendment that we had on the bill before. This says if you are a convicted felon, you cannot run for any public office - for State office, as well as municipal. Right now, you may recall, the law says municipal -- for municipal offices, if you're a convicted felon, you cannot run. This -- this says it also applies to Governor, constitutional officers, as well as the -- or, the legislative office. However, it also says that if you have been elected to a office and you have been -- had a conviction, that you are still eligible to run for office. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Is there any discussion? Senator Hendon.

SENATOR HENDON:

Will the sponsor yield for a...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hendon.

SENATOR HENDON:

Explain that last part to us, would you, Senator Cullerton? If a -- if a convicted felon is currently in office and then his term expires - his or her term expires - will they then, because they were convicted - they were in office at the time - will they then be able to run for any office? Or can they just -- will they just have to run for that same office again and again and again? Or could they then run for State's attorney or Governor or whatever?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

They could run for any office.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

So I want to understand, my good friend. Why in the heck are we doing this? I mean, why are we grandfathering in these people? Are we rewarding them for holding office right now, even though they've been convicted of very serious crimes? Why grandfather anybody in? If you're going to say a convicted felon can't run, this is like special interest legislation for one alderman in the City of Chicago. Thank you, Mr. Chairman. Why would we -- why are you grandfathering in the -- the -- the alderman?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

We're not grandfathering in any one particular person. There is a Member, who we've discussed in this last time we debated this bill, there's a Member of the House of Representatives, who's sitting over in the House right now, who is a convicted felon, who was elected to the Illinois General Assembly. And, quite frankly, I spoke to him about this measure, and if this was the law when he was a candidate, well, he wouldn't have been able to be a candidate. And I discussed with him, specifically, this particular legislation and told him that what I was doing was to pass a bill that would say that convicted felons cannot run for State Representative. Now, I think, personally, by the fact that that person was elected, he should have the right to run for reelection. And that's what this grandfathering in does. If -- if the people have voted and -- and have allowed someone to serve, then this stands for the proposition that they can do so. But what this bill does is -- I listened to the debate, and I listened to your debate and you were very concerned about having convicted felons hold public office, and what this bill says is that convicted felons cannot run for State Representative, for State Senator, for Governor, for the constitutional offices. And that's what this bill does.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. Chairman. I understand that -- that part of your logic, John. I -- I really -- I really do. What I do not understand is why we are -- and you keep referring to this poor, little State Representative, when he can currently run, when we know this is about an alderman in the City of Chicago. When you're elected alderman of the City of Chicago, don't you get a -- a badge and the right to carry a gun because you are a -- considered a law enforcement officer?

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

I don't know.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

Let me just educate the Body a little bit in why I believe it's different about an alderman than it is a State Rep. I was elected alderman. The first thing they did was give me a badge. They gave me a badge. I asked them, I said, "What -- what -- what good is this badge?" They said, "You are a law enforcement officer. You have the right to carry a gun. You have the right to make an arrest." There was even one period in the City Council, when the papers got ahold of it, where they wanted the aldermen to go and take training - firearms training. We were going to take two weeks of training because we had a -- the right to carry a gun and to have a badge and to make arrests. It is very dangerous for us to pass...

PRESIDING OFFICER: (SENATOR DUDYCZ)

I beg your pardon, Senator Hendon. Senator Hendon.

SENATOR HENDON:

I appreciate that, Mr. Chairman. And I -- and I beg all of you to please bear with me for one moment, because this is very important and you need to understand what Senator Cullerton is about to ask us to vote for, when it comes to 3rd Reading. An alderman of the City of Chicago has a right to carry a gun and a badge. The bank robber-kidnapper-carjacker-auto theft alderman - and a shot was fired in that incident, I want to remind you, of the stick up of the bank in Kankakee...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon, one second, please. We will not proceed until

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

we have some silence in the Chamber. It's too noisy in here.
Senator Hendon.

SENATOR HENDON:

Let me -- let me lower my tone and perhaps the decorum in the room will -- will settle. The -- the -- the alderman that the -- my disdained colleague will not refer to right now has a badge, a gun, and he is a convicted bank robber. I think that is dangerous. If the Senator wants to pass this without that grandfather clause, fine. But this is taking and allowing one individual -- this is special interest at its -- at its most outrageous amount, and the Senator still will not explain to me, can this person run for State's Attorney, Secretary of State, or whatever? He's not just protecting him to be alderman again; he's saying, well, just because you were -- you were convicted and you -- but now you're in office, then you're okay, but everybody else who is convicted cannot run. This is a bad bill, and I urge its defeat.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Thomas Walsh.

SENATOR T. WALSH:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Walsh.

SENATOR T. WALSH:

Senator Cullerton, what is -- what do we do right now? What is...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Yes, to refresh your memory, the current law says that if you run for municipal office - mayor, alderman - and if you're a convicted felon, you're not eligible to run. But it says that if

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

you run for the Legislature, Governor, constitutional office, you can be a convicted felon and you can run. So as you may recall, last week -- or earlier this week, I had a bill that said -- that recognized the fact that, for a municipal office, if you had a conviction, you couldn't run, and I said, well, let's wait ten years after you've, you know, been released from the penitentiary, and then you can run. Well, Senator Hendon and Senator Dudycz and others got up and said, "This is terrible, having convicted felons be able to run for office." So I pulled the bill out of the record, went back to the committee, and I said, okay, we'll do it your way. If you're a convicted felon, you can't run for anything. But we recognized the fact that there are people who have been elected: a State Representative, I understand there's a -- an alderman in -- near Rock Island, an alderman in Chicago. And I said, in this bill, those people have been elected by the people of their district or their ward, so we're going to recognize that and say they are grandfathered in. And in talking to the Representative over in the House, who's had a conviction, he said, "Why should I be precluded from running for -- for State Senate, or for another office?" And I said, okay. So the way we drafted it is, they're not banned from running for any other office. The Constitution allows us to pass laws with regard to eligibility. I believe it's constitutional. I was trying to follow what I believe is the -- the majority will of this Body; that is, to say everybody ought to be treated equally, shouldn't have a different rule for municipal and for the Legislature. And convicted felons -- under this bill, convicted felons cannot run for office. And if that's what you believe in, you ought to vote Aye.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

So it does -- it does grandfather the three or four people

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

that -- that we know of right now that are convicted felons, for them to not only seek reelection, but to run for any other office that they want to -- want to run for. Now, explain to me, then, how did this person that Senator Hendon has been referring to, how -- how was he able to run for alderman if he was a convicted felon, and it's... I don't know.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

That's a good point. I think that if -- unless they were -- if they weren't challenged, then they were able to run. And what happened was -- what initially brought this to my attention, was not the alderman in Chicago, but rather a guy wanted to run for office in -- I think for Mayor of Calumet City, and he was challenged and he took it to the Appellate Court and he lost. So that's where it brought this issue to my attention. So what we're saying is, those people who got elected, you know, we shouldn't throw them out of office. We should recognize the fact they got elected, let them run, but for -- as a matter of public policy for the State of Illinois, we're saying if you're a convicted felon, you can't run for office.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Oh. Senator Walsh.

SENATOR T. WALSH:

I would imagine it'd be somewhat of a campaign issue, too.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Weaver.

SENATOR WEAVER:

I'd move the previous question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

There are three additional speakers. Further discussion?
Senator Geo-Karis.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Does your amendment provide that this party who may have been a convicted felon and is in office can only run for the same office, no other office?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

No. Actually, quite frankly, Senator, after having the discussion, as I indicated, with a Member of the House of Representatives, we drafted it such that you could run for any office.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank -- thank you, Mr. President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, I listened to your argument the other day about the fact that you thought a convicted felon, after a certain number of years, ought to -- and I thought you -- you know, you spoke well of that, and you -- you did a good job arguing that point. If you truly believe that, doesn't this run completely counter to the argument that you made the other day?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Senator, my argument the other day was based on the fact that

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

there really should -- should be -- it wouldn't have bothered me to say after ten years, you can run for -- for office. But I was also impressed with the fact, and it came out during the debate, that we had two different standards; that for municipal office, you are banned from running, but for our offices, that you can. So I felt, after talking to Members of the -- of the Senate, that perhaps the best way to go would be to have one rule; that is, one principle: If you're a convicted felon, you can't run for public office. And that's why I drafted the amendment the way I did.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Well, I understand that, but I -- I just felt like you made a good argument the other day, and this does seem to be completely counter to what you said the other day. You know, it would seem that you would continue down that same path to try to further your idea.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Well, it's like sometimes you count the uninitialed ballots, and sometimes you don't.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Hendon, for a second time.

SENATOR HENDON:

I -- I apologize for rising a second time. I hope that comment that my disdained colleague just made lost him thirty votes on that side. But I do want to tell, so people will understand the logic behind the gentleman who -- and ladies who -- who drafted this initially: Aldermen have extreme power that we don't have as State Representatives, State Senators. They can change zoning. They can put people out of business. They control

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

the liquor licenses. They control the permits. They are mini-mayors. And in the wisdom, it was not to give convicted felons that kind of power. It's like why go in the bank and stick up when you can do it, because you're the alderman, with the stroke of the pen and a wink and a nod. That is the difference. You don't have the power of zoning and permits and liquor licenses that an alderman has. That is the difference, and that is why the difference in the law was there in the first place, and it should remain.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton, to close.

SENATOR CULLERTON:

Well, thank you, Mr. President. This is 2nd Reading. I think that this has been thoroughly discussed. I would ask that we adopt this amendment.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Roll call has been requested. 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 24 Ayes, 15 Nays, 3 voting Present. And the amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. ...Bill 1141. Senator Bowles. Senator Bowles, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Bowles seeks leave of the Body to return House Bill 1141 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1141. Mr. Secretary, are there any Floor amendments approved for consideration?

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

SECRETARY HARRY:

Amendment No. 2, offered by Senator Bowles.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. Chairman. The -- this amendment deletes any reference in the -- in House Bill 1141 to the Revised Uniform Reciprocal Enforcement of Support Act, since it is in the process of being repealed. It further provides -- specifies that the publication of the obligors who come under the purview of House Bill 1141 will occur in the papers that are within the circuit clerk's jurisdiction, as exposed -- as opposed to nationwide. I would ask for affirmative vote on the amendment.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bill 1210. Senator Dillard. Senator Dillard, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Out of the record. House Bill 1254. Senator Cronin. Senator Cronin, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Cronin seeks leave of the Body to return House Bill 1254 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1254. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1 {sic} (2), offered by Senator Cronin.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. We added an amendment onto this bill that actually becomes the bill, and it put language into the bill that was language that was contained in a bill that previously passed here, Senate Bill 340. And under those provisions, endangering the life of a minor victim is a Class 3 felony, a second or subsequent conviction is a Class 2 felony. The only additional language that's in this amendment is a amendment that adds an affirmative defense requested by the Christian Scientists to protect persons who receive treatment by prayer alone. I didn't want to put an exception for them in the bill because of some obvious problems it would create, but I think an affirmative defense is an appropriate way to approach this issue. If they want to bring forward their defense that they rendered treatment in their own way, according to their religious freedom, they may bring that defense and -- and inform the judge. But the law is clear about endangering the life of the child, and I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bill 1337. Senator Bomke. Senator Bomke, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Bomke seeks leave of the Body to return House Bill 1337 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

of 2nd Reading is House Bill 1337. Mr. Secretary, are there any Floor amendments that have been approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Bomke.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President. Amendment 2 {sic} is a technical amendment, on page 7, line 12, by inserting "by telefax," after "mail," {sic} and I would move for its concurrence.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bill 1373. Senator Sieben. Senator Sieben, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Sieben seeks leave of the Body to return House Bill 1373 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1373. Mr. Secretary, are there any Floor amendments that have been approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Sieben.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President. Floor Amendment No. 1 was approved yesterday by the Judiciary Committee. Does two things. It adds

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

clarifying language to apply to a person who enters a public building under the reasonable belief that the building is still open to the public. And then secondly, it adds language for a -- providing for a necessity defense in the event that the person enters the building with the belief that they were in imminent danger of serious bodily harm. I'd move for its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bill 1589. Senator Farley. Senator Farley, you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Farley seeks leave of the Body to return House Bill 1589 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1589. Mr. Secretary, are there any Floor amendments that have been approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Farley.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Farley.

SENATOR FARLEY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Amendment No. 1 was approved by the Judiciary Committee yesterday afternoon, and what that amendment does is makes a -- a technical change. It also provides for a -- a permissive situation, changing a word from "shall" to "may", which satisfies objections by the Administrative Office of Illinois Courts. It also changes some words which say "within 24 hours" to "as soon as

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

possible", which satisfies some concerns by domestic violent {sic} people, and I would move for its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bill 2152. Senator Cullerton. Senator Cullerton, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Cullerton seeks leave of the Body to return House Bill 2152 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 2152. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you, Mr. President, Members of the Senate. This amendment was suggested by the Land Title Association to the bill that -- it adds that a court may not authorize attachment of property under this bill unless it has obtained jurisdiction over the entity holding title to the property by proper service on that entity. That's really in the form of a technical amendment, and I would move for its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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?

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Committee Reports.

SECRETARY HARRY:

Senator Klemm, Chair of the Committee on Executive, reports Senate Amendment 2 to House Bill 313 Be Adopted.

Senator O'Malley, Chair of the Committee on Financial Institutions, reports Senate Amendment 2 to House Bill 23 Be Adopted; Senate Amendment 2 to House Bill 922 Be Tabled by Sponsor; Senate Amendment 3 to House Bill 922 and Senate Amendment 2 to House Bill 2211 both Be Adopted; Senate Bill 794, the Motion to Concur with House Amendment 1 Be Adopted; Senate Bill 805, the Motion to Concur with House Amendments 1 and 2 Be Adopted.

And Senator Fitzgerald, Chair of the Committee on State Government Operations, reports Senate Amendment 1 to House Bill 1485 and Amendment 3 to House Bill 1757 both Be Adopted.

PRESIDING OFFICER: (SENATOR DUDYCZ)

House Bill 3rd -- House Bills 3rd Reading, for purposes of recall. House Bill 23. Senator Parker. Senator Parker, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Parker seeks leave of the Body to return House Bill 23 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 23. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Fitzgerald.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fitzgerald.

SENATOR FITZGERALD:

Yes, thank you, Mr. President, Ladies and Gentlemen of the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Senate. This is a clarifying amendment with some suggestions from the Illinois Municipal League, and it was passed out of the Financial Institutions Committee on an attendance roll call this morning.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bill 313. Senator O'Malley. Senator O'Malley, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator O'Malley, seeks leave of the Body to return House Bill 313 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 313. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you, Mr. President, Members of the Senate. This amendment is -- deals with pensions. It was approved by the Pension Laws Commission. It makes technical changes to the Chicago Teachers' Retirement System and would move for its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Will the sponsor yield, Mr. President?

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Are these just technical changes or are these substantive changes? What new -- who are we allowing new pension rights or transfers or increases?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

No, there are no benefits. There's no fiscal impact. It's just technical administrative changes that have no cost.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bill 297. Senator O'Malley. Senator O'Malley, do you wish this bill returned to 2nd Reading for -- for the purposes of an amendment? Senator O'Malley seeks leave of the Body to return House Bill 297 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 297. Mr. Secretary, are there any Floor amendments that have been approved for consideration?

SECRETARY HARRY:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Yes, Mr. President and Ladies and Gentlemen of the Senate.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

It's my intention to table Amendment No. 2 and seek your support of Amendment No. 3.

PRESIDING OFFICER: (SENATOR DUDYCZ)

There's a motion to table. Any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is tabled. Any further Floor amendments that have been approved for consideration, Mr. Secretary?

SECRETARY HARRY:

Amendment No. 3, offered by Senator O'Malley.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Again, Mr. President, thank you, and -- and Ladies and Gentlemen of the Senate, thank you very much. The underlying legislation here, House Bill 297, is -- is the rewrite of the dram shop law in Illinois. Amendment No. 3 represents agreed language between myself, Members of the Judiciary Committee and the House -- the House sponsor of the original legislation, Representative Dart. I'd seek your support for the amendment. Will be happy to debate it on the Floor later today.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. We'll keep our questions until it gets on 3rd Reading, Senator, but I just wanted to make the Body aware that even though you say this is agreed upon by those parties, it's not agreed-upon amendment. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Jacobs, I made it clear who it is agreed among. I did

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

not mean to suggest that it was agreed by anybody else other than the parties I named.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bill 922. Senator Thomas Walsh. Senator Walsh, do you wish this bill returned to 2nd Reading for the purpose of -- purposes of an amendment? Senator Walsh seeks leave of the Body to return House Bill 922 to the Order of 2nd Reading for purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 922. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

House -- Floor Amendment No. 3, offered by Senator Tom Walsh.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Tom Walsh.

SENATOR T. WALSH:

Thank you, Mr. President. Floor Amendment No. 3 -- Floor Amendment No. 3 to House Bill 922 had bipartisan support in committee. It requires the companies and agents to file their highest fees. If the company or agent increases or adds a fee, it must file notice of a new fee and wait sixty days for it to take effect. It may decrease a fee or -- it may decrease a charge or fee and -- and the decrease becomes effective upon being filed with Department of Financial Institutions. I'd be happy to...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in favor, say Aye.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Opposed, Nay. The Ayes have it, and the amendment is adopted.
Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bill 1485. Senator Bomke. Senator Bomke, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Bomke seeks leave of the Body to return House Bill 1485 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1485. Mr. Secretary, are there any Floor amendments that have been approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Bomke.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President. Amendment No. 1 is identical to Senate Bill 877 that was overwhelmingly approved by this Body about a month ago. It amends University of Illinois at Springfield law to provide that all degrees from Sangamon State University shall be degrees from the University of Illinois at Springfield. Any costs associated with the reissuance of diplomas must be borne by a person who requested the reissuance. And I would move for its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

3rd Reading. House Bill 1757. Senator Garcia. Senator Garcia, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Garcia seeks leave of the Body to return House Bill 1757 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1757. Mr. Secretary, are there any Floor amendments that have been approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Garcia.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. Senate Amendment No. 3 to House Bill 1757 deletes the underlying bill. It amends the Civil Administrative Code regarding job training and economic development. It creates the Job Training and Economic Development Demonstration Grant Program. It authorizes DCCA to formulate rules for the operation of the Program and for the competitive application procedure for grants. It establishes a statewide system and it hinges on an appropriation from the Legislature.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bill 2211. Senator O'Malley. Senator O'Malley, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator O'Malley seeks leave of the Body to return House Bill 2211 to the Order of 2nd Reading for the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 2211. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Floor Amendment 2 to House Bill 2211 addresses some of the concerns that were raised in committee and represents the work product of staffs on both sides of the aisle working with all interested parties over the last week. It addresses many of the questions that were raised, I believe, in the analyses by both staff members concerning the underlying legislation, which is an initiative of the Department of Financial Institutions. I'd be happy to answer any questions you may have, but I would seek your support for the amendment.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bill 1254. Senator Cronin. ...Cronin, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Cronin seeks leave of the Body to return House Bill 1254 to the Order of 2nd Reading for the purpose of tabling an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1254. Senator Cronin moves to table Amendment No. 1. All those in favor, say Aye. Opposed, Nay.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

The Ayes have it, and the amendment is tabled. Any further amendments that have been approved for consideration, Mr. Secretary?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Cronin.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

The explanation that I gave earlier is the explanation that applies to Floor Amendment No. 2.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. ...all the Members please be in their seats? We will be going to the Order of House Bills 3rd Reading for the one and only time. Final time. We will not be returning to -- through the Calendar, so please be prepared to go through your bills, to have it debated on final reading. In the middle of page 2 of your regular Calendar is the Order of House Bills 3rd Reading. House Bill 23. Senator Parker. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 23.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

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

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

This Senate {sic} bill has been amended to have an amendment sponsored by Senator Fitzgerald, so he will handle this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 23, as amended, expands the investment authority for the five hundred and sixty downstate police and firemen's pension funds so that they can invest up to thirty-five percent of their assets in securities -- in equity securities: stocks. The amendment is supported by the police and firemen's and by the Municipal League. The Department of Insurance would like to get more fees out of these funds, but they otherwise have supported the concept of broadening the investment authority. And I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 23 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 56 Ayes, 1 Nay, no voting Present. And House Bill 23, having received the required constitutional majority, is declared passed. House Bill 66. Senator Karpziel. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 66.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. We just put the amendment on -- on

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

House Bill 66, which becomes the bill. And as I said when we were discussing the amendment, this is the trailer bill, the follow-up bill, of House Bill 165 that took care of the concerns of the State's attorneys, primarily. With 165, this has been agreed to, and this is the bill that has been worked on by -- as I -- as I read yesterday, about ten, fifteen various child care associations and groups and interest groups in the State. And I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any...

SENATOR KARPIEL:

I'd be glad to go through the details, if you want to go through all the little details.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 66 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, 1 Nay, none voting Present. And House Bill 66, having received the required constitutional majority, is declared passed. House Bill 70. Senator Dillard. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 70.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill adds a drug "ketamine," which is controlled and used by veterinarians, to a list of controlled substances.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Ketamine is a new drug that is used by a lot of teenagers at these parties called "Raves." It is also commonly referred to as a "date-rape" drug, where people take this drug illegally - steal it from veterinarians - put it in women's drinks and use that -- that drug not only for hallucination types of purposes, but also for, unfortunately, raping of women. And this makes this drug illegal. And also in this bill is GHB, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 70 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. And House Bill 70, having received the required constitutional majority, is declared passed. House Bill 110. Senator Bomke. Out of the record. House Bill 131. Senator Rauschenberger. With leave of the Body, we will return to House Bill 131 later. The sponsor is in conference on the 2nd Floor. With leave of the Body, we will return later to House Bill 172, also. Sponsor is in the Chair. The top of page 3, in the Order of House Bills 3rd Reading, is House Bill 190. Senator Watson. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 190.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Yes, thank you, Mr. President. House Bill 190 establishes the Illinois Prepaid Tuition Program, which would enable parents,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

grandparents, family members, friends to purchase tuition and mandatory fees for future college students. It's identical to Senate Bill 878, which has been approved by the State Senate, in this Chamber, and is now in the House. The program would be administered by the Illinois Student Assistance Commission. The value of these contracts would be transferable to Illinois private colleges and/or out-of-state higher education institutions. The legislation provides that -- the families with a federal tax advantage, a way to save systematically for college. The federal government did pass a tax program for this type of purchase, for this type of tuition purchase. This helps the middle class considerably. I know that there was considerable discussion on this legislation before, and I'd be glad to answer any questions at this point in time.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a very important bill because what I think it does...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Berman.

SENATOR BERMAN:

...what it does is to allow your voters to prepay tuition for their children or grandchildren when -- for the universities in our State based upon the present costs of those tuitions. And we all know that they're going to increase in the future. I do want to state, however, that the -- at the request of the Bureau of the Budget there was an amendment put on this bill that deleted the phrase "full faith and credit" from this provision. Now, there are guarantees and protections built into this bill which, if you're going to look at it, ninety-five percent of the exposures

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

are protected. So I'm comfortable in voting for this bill and -- and recommending it to my voters for their investment in the future higher education of their children. But I do want to state - and I've mentioned this to the sponsor - that I think we ought to look at trailer bills or later legislation to try to reinstate the full faith and credit. It's a technical protection, but it's an important protection, so that five years, ten years, fifteen years down the road there's no hesitation that the investment will, in fact, pay the tuition for these children when they get to the universities. But I think it's a good idea. There are safeguards built in, and I'm pleased to vote Aye on this bill at this time.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Klemm.

SENATOR KLEMM:

Purposes of a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Klemm.

SENATOR KLEMM:

If -- if after a number of years the interest that you project will pay the difference of the spiraling increase of tuition costs and it doesn't have sufficient funds, who picks up the difference?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

This is the provision, I believe, that Senator Berman was just talking about. This is -- creates a moral obligation of -- of the State of Illinois.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Klemm.

SENATOR KLEMM:

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

So the moral obligation would be that if there's not enough funds... Well, really, a tax -- a parent can't lose with this deal because somebody will subsidize the difference of other taxpayers to pick up the difference, if there's not enough funds there. Now, couldn't you buy a CD - or the parent can do that now - and actually have an investment program? And if there isn't enough funds in that program, they would at least make up the difference of their own. Can't we do that now? I thought we had that type of legislation that you can do that, without the taxpayers around the State paying the difference if there's a shortfall.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Well, we do have programs out there now - the College Savings Bond Program being one, and others. And of course, as you mentioned, an individual can go in and -- and do this on their own. It's just unfortunate that most people don't. For whatever reason, people in this -- this country are not in the mood of saving money. This is certainly a carrot out there to try to encourage that type of -- of attitude and -- among parents and friends and grandparents, whoever it might be. In this -- this -- what I hear from mostly in the people in my district, it's grandparents who would like to do something for their grandchild, and this would enable them to do so, purchasing today's tuition cost for whenever that child, grandchild, ultimately goes to college. I think it's a great idea and a great piece of legislation that you should be supporting, Senator Klemm.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Well, I certainly supported the first one. I have some

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

questions about that -- the grandparents who wish to help their children, say that "I don't want to buy a CD or I don't want to invest for it, but I will invest for them when I know that there's a shortfall - the taxpayers will pick up the difference."

PRESIDING OFFICER: (SENATOR DUDYCZ)

I beg your pardon, Senator Klemm.

SENATOR KLEMM:

Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm. Any further discussion? If not, Senator Watson, to close.

SENATOR WATSON:

Well, thank you. This -- as all of us know, the problem that many people are having now with the cost of -- of sending their students to college, costs continue to escalate, and we're finding that when students graduate from college, in many cases up to fifty percent of the cost is actual debt - debt of that student from -- when they graduate. What this does is enable a parent, a grandparent, a friend, to purchase today's cost -- tuition at today's cost, which will enable a student to go to college tomorrow. It's a -- it's a great concept. It's -- this is -- we'll be the thirteenth state to do this, and Florida has -- we mirror the Florida program here, and Florida has been the most successful state in the country. So I think this is a -- a good piece of legislation and obviously appreciate the support of the Body.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 190 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 56 Ayes, 1 Nay, 2 voting Present. And House Bill 190, having

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

received the required constitutional majority, is declared passed.
House Bill 204. Senator Syverson. Senator Syverson. House Bill
223. Senator Madigan. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 223.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the Senate. House Bill
223, as amended, does several things. First of all, the original
language requires that a limited liability company who was
required to form a syndicate as per the legislation of 01/01 of
'94, requires that syndicate to apply to the Director of the
Department of Insurance to become a registered firm. It
establishes that -- or, internal compliance audits are free from
the discovery requirements. Insofar as when there's litigation,
that a -- in discovery efforts, that internal audit -- internal
compliance audits would be free from that discovery requirement.
It does not include documents involved with personal injury or
workers' comp claims. It changes provisions in the Illinois
Insurance Guaranty Fund with regards to insolvent companies. And
lastly, it allows school districts to participate in the Mine
Subsidence Program. I would be -- Subsidence Program. I would be
happy to answer any questions on House Bill 223, as amended, and
otherwise would ask for favorable consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House
Bill 223 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

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

that question, there are 58 Ayes, no Nays, none voting Present. And House Bill 223, having received the required constitutional majority, is declared passed. House Bill 228. Senator Lauzen. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 228.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. House Bill 228 is the vehicle for the agreed bill process. We've had some productive meetings. There's some final details that have to be worked out. Like to pass it from here over to the House so that we can keep it moving.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 228 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. And House Bill 228, having received the required constitutional majority, is declared passed. House Bill 282. Senator Sieben. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 282.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President. This legislation creates two

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

five-percent tax credits, the one to help stimulate and promote the production and manufacture of biodegradable and biocomposite material in the State, and the second one deals for companies that would produce air pollution control equipment in targeted counties in this State. Move for its passage.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 282 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 58 Ayes, no Nays, none voting Present. House Bill 282, having received the required constitutional majority, is declared passed. House Bill 297. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 297.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and Members of the Senate. House Bill 297 is the rewrite of the Illinois dram shop law. The current status of this law is basically that there are limitations for damages for personal injury and property damage of thirty thousand dollars, limitation for loss of means of support of forty thousand dollars, and there's a maximum total statutory recovery of seventy thousand dollars. This process has wound itself through the legislative process. There was a bill in the House. That bill in -- in -- was substantially, if not completely, amended onto -- in form and content to House Bill 297, which was out here on 3rd Reading in that form. There have been a series of negotiations on

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

this legislation that have resulted in some agreement, and -- and there continues to be some disagreement. In effect, what Amendment No. 3 does, in dealing with the limits, is say the following: The limitation for damages for personal injury or property damage would be fifty-five thousand, instead of thirty thousand. The limitation for loss of means of support would be sixty-five thousand dollars, instead of forty thousand dollars. However, there would also be a limitation, with respect to a -- a new cause, if you will, within this legislation, limit as to loss of society; however, you would only be able to elect to have -- to move for -- as a plaintiff, for the loss of means of support "or" the loss of society, so that the total statutory recovery could not exceed one hundred and twenty thousand dollars. There also is an effective date of July 1, 1998. I'd be happy to answer any questions Members may have and would reserve, you know, the time to make additional remarks in closing.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would request a ruling from the Chair. House Bill 297, in its original form, deals with the appointment of a special representative for a deceased person, if no petition for letters of office for the decedent's estate have been filed, effectively amending the Code of Civil Procedure. Senate Amendment No. 3 to House Bill 297 allows for the recovery of loss in a dram shop lawsuit, as well as increase the amount a person may receive for injuries and property damage under the dram shop Act. Clearly, there are problems with the single-subject rule in this case, since House Bill 297 deals with an administrative change in the Illinois Code of Civil Procedure, while Senate Amendment No. 3 to House Bill 297 creates a new cause of action, as well as to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

increase the amount of damage an individual recover under the Illinois Liquor Control Act. Therefore, I would ask for a ruling from the Chair as to whether this bill, in its current form violates the single-subject rule under Article IV, Section 8(d) of the Illinois Constitution of 1970 and the Supreme Court ruling in Geja's Cafe versus Metropolitan Exposition Authority.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs, it's the ruling of the Chair that the amendments to House Bill 297 all relate to the same subject matter, that being court proceedings; therefore, they are germane to the bill. Any further discussion? Senator Jacobs.

SENATOR JACOBS:

To the bill, then, Mr. President. Senator, I think everyone agrees with this bill, in its intent, but there are some concerns, have been expressed to me by a number of people and I just want to make those concerns known to the Body here. As an example, there is, number one, a lot of -- a lot of opposition to this bill. Let me just read a few of those: the Alliance of American Insurers, American Insurance Association, Associated Beer Distributors of Illinois, First Financial Insurance Company, Illinois Casualty Company, Illinois Insurance Information Service, Illinois Restaurant Association, Illinois Retail Liquor Association, Lloyds of London and the CNA Insurance Companies. In fact, I have a letter here from one of those which is from First Financial, and it, in effect, says: Best A+ company writing heavily in Cook County, as well as downstate, certainly will consider pulling out of the market unless House Bill A297 now before you on 3rd Reading is compromised - not defeated, compromised - to give this defense bar, as well as MADD, a bite of the apple. Here's part of the problem that exists with the bill, as I see it. The -- the rates that were put on the bill should follow some form of logical succession. The liability cap limit, as an example, is going up

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

from thirty thousand to fifty-five thousand - an eighty-three percent increase. Now, if this were to follow inflation, this amount would be forty-two thousand, and that's acceptable with these groups. Also, at the same time, this bill will -- will raise dram shop premiums just on that provision alone by twenty-five percent. So our mom and pop restaurants, our -- our small corner taverns, very well will be put out of business. On the second part of the bill, which has to do with loss of society, again, there is no true qualms in what we're trying to do here. Again it's, how far does the issue go? The groups that have contacted me have said, in effect, that nonwage earners that are part of the immediately family should receive - should receive - compensation including loss of society. The problem that we have is that we even include myself, who is fifty-nine year -- who -- I am currently fifty-nine years of age, soon will be sixty, my mother is eighty-three: If I am injured in a automobile accident, my mother can collect because of the dram shop law. I think that's going a little bit too far, and I think that we can clean this language up, Senator. I don't know if there's any willingness to do that, to continue to work on that, but that's part of the problem that exists on this bill. One of the other concerns that we have is that we have just passed .08. That is going to have a tremendous effect on society as a whole, including the dollars with the -- the -- that a tavern owner is going to be able to make and/or a restaurant and/or the liquor industry, as well. So I see where they've got a problem with that, but this compounds that problem. Now those same people with decreased revenues are also going to be hit with higher premiums, and some of these premiums for this dram shop is quite high. And then just in closing, Senator, I might just add, as I ask for a No vote, or if the Senator can assure me he wants to pass this on for the purpose of negotiations, I'm willing to do that. But also, the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Beer Distributors, which are directly affected by this bill, were not even part... Oh, okay. Well, I -- as I understand, this is going to be -- go to a conference committee and continue to be worked on? Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Jacobs, I'm getting messages, as apparently you are getting messages too, that the parties on both sides of this issue, who are interested in it, are negotiating. I certainly will be very respectful of those continuing negotiations. I do want you to understand, and I want every Member of the Senate to understand, that I am a very strong proponent for the legislation in its current form. But -- and another thing that I think is important to clarify to you, Senator Jacobs, the Beer Distributors - everybody - has been invited to and -- and made a -- part of the process and given the opportunity to express their opinion. There has been nobody left out, but most importantly, the people of Illinois deserve this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

And I apologize for -- for the comment about the Beer Distributors. I misread the note that was in front of me that said that there was a deal being -- being worked on and -- and for that reason, my objections still stand as to the dollars. I stand behind what you're trying to do, wholeheartedly. I just think it needs to be tightened up a little bit so that we don't lose people who are willing to sell insurance. I can remember years ago, with workmen's comp, when I was mayor, we had to go to Lloyds of London to get workmen's comp insurance. I don't want to see the same happen to where we -- we push our current Illinois

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

insurance companies out of business, including one in my district, that probably would go out of business if this bill passed in its current form with the limits that are prescribed, and just ask that we continue on with that discussion. Thank you, Senator, for your indulgence.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR O'MALLEY:

Thank you, Mr. President and -- and Members of the Senate. I -- you know, it sounds as if this is probably going to fly out of there, but I -- I do feel compelled, at least, to make, for the record, a few remarks that I -- I think we need to make everyone aware of. The negotiations that have occurred here, as this legislation has been in the Senate, have been far-reaching, very open and very participatory. Many of the suggestions that came from the opponents of this legislation are included in here. One of the requests was to have a definition of "loss of society" within the Statute and not just out there in whatever case law or common law may determine what it is from time to time. They may not accept -- and I don't want anybody to understand -- think that the current definition that's in this legislation is agreed to and accepted by everybody. It is not. But the point is, loss of society was included. Loss of society would also be included under the loss of support cap level. That's another thing that was requested and -- and was very necessary, I believe, to be addressed because there was a lot of confusion in the House as this issue was debated, and it's being clarified here in the Senate. So as a result of that, a plaintiff would be only entitled to one recovery - either loss of society or loss of support - but not both. One of the suggestions that came forward from the insurance companies was to make sure that there was a -- an effective date that would allow existing insurance policies

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

basically to recycle, so that there would not be an interruption of insurance. And -- and so this legislation provides for a July 1, 1997 effective date, which should permit that to occur. I'm sorry -- I'm -- just clarify: July 1, 1998 would be the effective date. And it's important that we all understand that that's there. I think it's also important to recognize that people on the other side of the issue - the opponents to this legislation - have actually come forward to support it, including the Restaurant Association, and with the legislation as it is before this Body, there is an agreement on behalf of the proponents that they will not -- they will not force a revisitation of this issue for at least five years. Ladies and Gentlemen, this is important legislation. It's long overdue. It has not been addressed for nearly a decade in raising the limits. The protection that would be brought to families all over Illinois through loss of society is something that is very much needed and appropriate. I would request your support for this legislation today, and I will assure you that as this matter continues, should there be a conference report, I will deliberately deal with people on both sides of the issue. Thank you, again.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 297 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, 1 voting Present. And House Bill 297, having received the required constitutional majority, is declared passed. House Bill 310. Senator Lauzen. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 310.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. House Bill 310 is the same -- is the same situation but for unemployment insurance, as 228 was for worker comp. It's a vehicle to keep the negotiations in the agreed process moving. I'd just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 310 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 House Bill 310, having received the required constitutional majority, is declared passed. House Bill 313. Senator O'Malley. Madam Secretary, read the bill.

END OF TAPE

TAPE 2

ACTING SECRETARY HAWKER:

...Bill 313.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Mr. President and Ladies and Gentlemen of the Senate, thank you. This is a rather important piece of legislation. It

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

contains many provisions. It is, in effect, an omnibus pension bill. It represents items that have been approved by the Pension Laws Commission. It's also important -- there is no fiscal impact on the State of Illinois. I think that's important to have in front of us. There are many provisions, and if you have any questions about any individual item, I would be most happy to respond to them.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 313 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 55 Ayes, 2 Nays, none voting Present, and House Bill 313, having received the required constitutional majority, is declared passed. House Bill 379. Senator Link. With leave of the Body, we will return to House Bill 353 and 362. Both of the sponsors are in conference downstairs. House Bill 379. Senator Link. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 379.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. With the adoption of Amendments No. 1 and 2 on this bill, we would increase the penalty from a Class 4 felony to a Class 3 felony for a second or subsequent conviction of child abduction. Adds another factor of aggravation that a court may consider when sentencing a defendant for child abduction. The bill would also require people who with convictions of child abductions must register under the Sex

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Offender Registration Act if the trial judge makes a finding as to whether the conduct was committed for the unlawful person {sic} of committing or attempting to commit certain sex crimes. I would ask a favorable vote on this. If there is any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. This is a -- a very good bill. As I briefly mentioned on the -- as we were adopting the amendment, that we are all just really up in arms with these child abductions, and what we're trying to do is just impose some -- some harsher penalties. We wanted to expand not only the concept -- or, the concept of safe school zones, but children who are going to and from playgrounds also should be brought into that -- that kind of zone. We want our children to feel just as comfortable and just as safe as they're walking from their bedroom to their -- to their refrigerators. They should not have to deal with thinking about some kind of predator lurking out there to snatch them on the way to school. Hopefully the -- the second-time offenders in this process -- or, that -- that get caught will get a harsher penalty, and maybe somewhere in this Chamber and at some -- and at some point in time, we'll get it to whereas that we will keep these people in jail much, much longer. If not in jail, at least in some kind of home. This is a -- a logical first step. It's -- it's a small one, but it's a good one and I ask for the -- the passage -- favorable passage of this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Sponsor indicates he will yield. Senator Fawell.

SENATOR FAWELL:

You know, according to our analysis it says that the State Bar Association asks that language be included that requires the trial judge to make a finding that the abduction was committed for the unlawful purpose of one of the enumerated sex offenses and that this bill does not contain that language. In other words, if a mother or a father so-called abducted their own child, not for sexual purposes, but for custody purposes, that they also could be charged.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Link.

SENATOR LINK:

Senator Fawell, this was addressed in Senate Amendment No. 2 on this, that we cleared up this matter.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR LINK:

I only ask for a favorable vote on this. I think, as Senator Trotter said, that this is a first step and we hope that we could get a favorable vote on this. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 379 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. And House Bill 379, having received the required constitutional majority, is declared passed. House Bill 447. Senator Smith. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 447.

(Secretary reads title of bill)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. Chairman and Ladies and Gentlemen of the Senate. House Bill 447 requires AFDC clients with children younger than thirteen to perform up to twenty hours of community service a week. And the bill passed out of the Senate Public Health Committee on the Agreed Bill List by a vote of 10 to nothing. The proponents for this bill are the Poverty Law Project of the National Clearinghouse for Legal Services, the Welfare Reform Information Center, the Illinois Law and Policy Project. There has been no opposition. I ask for your favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? If not, the question is, shall House Bill 447 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. And House Bill 447, having received the required constitutional majority, is declared passed. Senator Walsh, what purpose do you rise?

SENATOR T. WALSH:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR T. WALSH:

I just want the record to reflect that I would like to be recorded voting Aye on House Bill 313.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record will so reflect. Had you been in your seat, you

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

would have been recorded as voting. House Bill 449. Senator Cronin. House Bill 470. Senator Rauschenberger. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 470.

(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. House Bill 470 represents about three years' work -- a compromise. It is a -- a landscape burning regulation bill that only deals with the non-attainment areas in the State of Illinois, which is essentially the Chicago Metropolitan Area and the Collar Counties, as well as the Metro East section of the State of Illinois. What it says is, any -- any municipality or government in that area that fails in the next year to act on a bill regulating the burning of landscape waste will be subject to rules promulgated by the Pollution Control Board. The bill also says that any municipality or local government that has enacted an ordinance regulating the burning of landscape waste is exempt from the rules promulgated by the Pollution Control Board. It was further amended yesterday to say any local government that had promulgated rules that superceded the Pollution Control Board rules could amend those rules in the future without losing their grandfathering. This bill, without the last provision, passed the Senate last year, I think, 52 to 3. It only deals those areas where there's non-attainment. It permits a local government to enact any kind of regulation of burning of landscape waste that they're comfortable with, including an ordinance regulating the burning of it. It does not preempt home -- home rule. The

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Illinois Municipal League is supportive. The IEC is supportive. As I understand, the Farm -- the Farm Bureau is neutral on it. I would appreciate moving this process along and sending this back to the House.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator Rauschenberger, in view of your bill the other day, can burned landscape waste be used as cover at landfills under this bill, too?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator, I think we're going to have to deal with that next year, 'cause I don't know.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall House Bill 470 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 54 Ayes, 2 Nays, 1 voting Present. And House Bill 470, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR WEAVER)

...Rauschenberger, on 475? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I'd like leave of the Body to return to this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Is there leave? Leave is granted. Senator Luechtefeld, on 483. Out of the record. Senator Peterson, on 526. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 526.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator -- Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President, Members of the Senate. This bill has two amendments. The -- the bill, itself -- excuse me a minute -- amends the Income Tax Act regarding the allocation of investment tax credit in the cases of partnerships. Amendment 1 is an initiative of the Illinois State Bar Association making a number of changes to the Uniform Penalty and Interest Act. And Amendment 2 amends the Sales {sic} and Use Tax Act to exempt industrial gases used or consumed in the manufacturing process.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, Senator Peterson, to close.

SENATOR PETERSON:

Appreciate an affirmative vote on House Bill 526, as amended.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall House Bill 526 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 1, 1 voting Present. House Bill 526, having received the constitutional majority, is declared passed. Senator Peterson, on 528. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 528.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President, Members of the Senate. House Bill 528, as amended, requires municipalities to transfer funds to mosquito abatement districts that are levied by the municipality for the same type and quantity of mosquito abatement services that are provided by the district. As I mentioned the other day, this eliminates double taxation between the municipality and the mosquito abatement district.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall House Bill 528 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 528, having received -- received the constitutional majority, is declared passed. Senator O'Malley, on 558. Senator O'Malley? Excuse me. Senator Bomke. Out of the record. Senator Petka, on 574. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 574.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

SENATOR PETKA:

Thank you, Mr. President, Members of the Senate. House Bill 574 attempts to solve a couple of school district issues, one in Peoria - the sponsor of that amendment was Senator Shadid - and

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

also for a school district in Will County. It came out of the Education Committee on the Agreed Bill List. I know of no opposition. I urge its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall House Bill 574 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 574, having received the constitutional majority, is declared passed. Senator Madigan, on 586? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 586.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the Senate. House Bill 586, as amended, represents the culmination to a long-standing debate in the State of Illinois with regards to selling insurance. It is the -- represents the maximum effort of the last fifteen months -- or, from the last fifteen months, of intense discussions and negotiations amongst the Illinois Bankers Association, the Professional Independent Agents, the Illinois Life Underwriters, the community banks, the credit unions, the financial institutions and the thrifts, in trying to arrive at an agreement to lift the current State Statute or prohibition for some institutions from selling insurance. This product before us represents what we think, at this point in time, is absolutely the best and -- best effort to be -- that can be put forth to give, first of all, the consumer the most competitive market in the State of Illinois with

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

regards to the purchase of insurance products, to eliminate the suggestion or thoughts of any possible pressure or coercion with regards to the sale of insurance, to make sure that that product is properly advertised and, certainly, as far as customers' personal information, to protect -- to protect that information. I -- I think, for those of you who have been around here longer than I have -- I've been here since 1987 and this debate has been before us, I know, since then, and I'm told that it has been before us long before then. So I think that this is something that we -- while this bill is entitled the Financial Institution (Insurance) Sales Law - I think that's a great title for those who sell that product - for us in the General Assembly, I think it probably would be more accurately entitled the "Relief Bill," because I think we can put this -- put this matter to rest, or at least, as far as we're concerned, if this House Bill 586, as amended, is approved. I think we have some questions that remain with regards to the financial institutions and securities, and I think, Mr. President, at this point in time, I would just conclude my opening remarks.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Severns.

SENATOR SEVERNS:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR SEVERNS:

Just to establish intent, Senator Madigan, is the intent of the bill to discriminate against financial institutions or to interfere with their ability to conduct business?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

SENATOR MADIGAN:

Thank you, Mr. President. The answer to that is no. This bill was negotiated and agreed to by representatives of the various financial institutions that are defined herein and representatives from the Professional Independent Insurance Agents of Illinois. The representatives of the financial institutions have stated that it is not the purpose and intent of this legislation to discriminate against them, and the regulatory scheme outlined by the legislation does not prevent or significantly interfere with a financial institution's exercise of their powers or their ability to conduct business.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Severns.

SENATOR SEVERNS:

Does the definition of "financial institution" for purposes of Section 1403(c) mean that any financial institution as defined in Section 1402 which transacts insurance business only through its subsidiary is not subject to the regulation of the Article?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

No. Section 1403(c) creates a definition of "financial institution" for purposes of that Section only. Even if the financial institution conducts its insurance activities only through the subsidiary, both the financial institution and its subsidiary are subject to compliance with every other Section under this Article.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Severns.

SENATOR SEVERNS:

Does the phrase "on behalf of" include an insurance company when acting as an underwriter or an issuer of insurance policies

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

or annuity contracts?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

No.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Severns.

SENATOR SEVERNS:

Final question, and then some brief comments. Does -- does the phrase "on behalf of" include activities of any entity that is affiliated with a financial institution solely by virtue of common ownership?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

No.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, and thank you, Senator Madigan, who I want to applaud for helping to work, and work so hard, to bring this agreement about. Like Senator Madigan, I arrived in the Senate in 1987, where we've dealt with this issue of banks and insurance year after year. In fact, a member of the insurance industry, when announcing the agreement just a few days ago, said that the issue has been dealt with since 1947 - fifty years - and it's now coming to, what I believe, an historic and marvelous resolution. I was fortunate enough, many years ago, to be able to participate and represent, when I was with the U.S. State Department, the Agency for International Development at the Camp David accords. While -- obviously, I would not compare this issue to that, except to say the discussion for fifty years then was

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

that the agreement could never be made; because of oil and water, it would never meet. Well, not -- again, this issue pales by comparison, but I just want to say that, in my judgment, this is a historic moment, at least in the banking and insurance institutions, and it's one that all of us in the General Assembly can welcome and feel good about. It's a win-win for consumers, and certainly it's a win for all legislators who have been battling this issue for many years. I hope this vote goes out unanimously. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Peterson.

SENATOR PETERSON:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR PETERSON:

Senator Madigan, for clarification purposes, in the definition of "financial institutions" in this piece of legislation, insurance companies are excluded. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

That is correct, Senator Peterson.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR MADIGAN:

Thank you, Mr. President. First of all, or just very briefly, let me say that we're continuing to work, or the groups are continuing to work. And as far as setting up the rules and regulations to be administered by the Department of Insurance, there's -- "on behalf of" remains just a little bit of a technical

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

thing, insofar as definitions. But I want to assure the Members of the General Assembly that, as far as the industry is concerned on both sides of this issue, this is a ninety-nine-and-forty-four-one-hundredths-percent agreement, and I would ask for your favorable consideration of House Bill 586, as amended.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall House Bill 586 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, 2 voting Present. House Bill 586, having received the constitutional majority, is declared passed. 593. Senator Madigan. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 593.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the Senate. House Bill 593, as amended, affects two pension systems, neither one of them being the State of Illinois -- any State of Illinois pension system. First of all, it allows portability for police officers to move from one downstate police pension system to another downstate police pension system, taking with them the employer and employee contribution, so there is little, if any, impact on either pension system, leaving or entering. And the second portion of House Bill 593, as amended, extends the early retirement option for Cook County for five years, from 1997 to 2002. This is not -- this is not a five-and-five program. It's just the early retirement option.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Clayborne. Senator Clayborne. If there's no further discussion, the question is, shall House Bill 593 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 2, none voting Present. House Bill 593, having received the constitutional majority, is declared passed. For what purpose does Senator Clayborne arise?

SENATOR CLAYBORNE:

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

PRESIDING OFFICER: (SENATOR WEAVER)

State your point, sir.

SENATOR CLAYBORNE:

Currently standing here at my -- my station is Dee Reed from Cahokia and Loretta Lopeno from Cahokia, two of my greatest constituents. I'd like for the Senate to -- to recognize them.

PRESIDING OFFICER: (SENATOR WEAVER)

Welcome to Springfield. We will come back to 611. Is there leave? Leave is granted. Senator Cullerton, on 613. Senator Cullerton, on 613. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 613.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill comes to us as a result of efforts on behalf of the Chicago Bar Association and the Secretary of State's Business Advisory Committee. It changes the procedures for corporations to effect a

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

business combination. Changes the definition of "interested shareholder" as a person who holds fifteen percent or more of the outstanding shares of a corporation or is an affiliate or associate of the corporation and was owner of fifteen percent or more of the corporation for the three years immediately preceding the date of termination. We also adopted an amendment this morning that grandfathers in shareholders who purchased shares prior to the time this Section first applies to the corporation and would allow a corporation's decision to opt out of having combination Sections apply to them because -- become effective immediately in certain circumstances. This is a very technical bill worked on with the Chicago Bar Association committee, as well as the Secretary of State. I will try to answer any questions. I hope nobody has any, and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall House Bill 613 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 613, having received the constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Smith, what purpose do you rise?

SENATOR SMITH:

Would you please register me as voting for the legislation that just passed. I'm sorry.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record will so reflect your intention, Senator.

SENATOR SMITH:

A Yes vote, please, by all means.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Yes, Senator. With leave of the Body, we will return later to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

House Bill 657. I beg your pardon. 652. Ready? House Bill 652.
Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 652.

(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. House Bill 652 is, hopefully, the final iteration of the consolidation of the odd-year November election into the municipal election in April. We've worked through, we think, the constitution problems of shortening terms by phasing in the -- the elections. November of '97 is not affected. All parties have had access to this bill and agree that we've met the constitutional test. This is strongly supported by David Orr, Clerk of Cook County. It passed out of the Senate just a few weeks ago, with 53 votes, without the refinements. I'd appreciate your favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Link.

SENATOR LINK:

Yes. Just a comment. I want to commend, first of all, Senator Rauschenberger for the long hours that we put in on this bill, and say that this is a positive, good government bill, as I said Senate Bill 200 was that we passed out of here; that we've worked on the problems. And the calls are coming into my office, and I'm sure Senator Rauschenberger's office, probably at a twenty-to-one level in favor of this bill; that this is a bill that's long overdue, and I would hope that we would get a positive vote on this.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. I appreciate the fact that David Orr supports this, but he doesn't have a lot to say in my district. What I'd like to know, is the State of -- School Board Association - how does School Board Association feel about this?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Watson, the School Board Association has never supported this bill in the three times that we've passed it out of the Chamber. They would prefer to have their own November election, but in the interest a) of saving money, and b) increasing voter turnout, the average November odd-year turnout runs anywhere from six to eleven percent. Moving it to a nonpartisan April election nearly doubles the turnout, as well as saving that election cycle. So although the School Board Association is not in support of the bill, they are technically -- we worked very carefully with them to make sure they were comfortable with the direction of the changes. So this would be -- they're in opposition, but not strong opposition.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Is there anyone else who may be in opposition, maybe, but not strong opposition?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, being as -- being as it's a Rauschenberger bill, I -- I would have to assume that Senator Welch is in opposition. I would

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

also, frankly, tell you that the Community College Trustees Association would prefer to be able to call their own Saturday election in November, rather than either staying on this one or going to the spring one. So they are in opposition, but they're comfortable with the phasing of the terms. And I think the Park District Trustees Association, which is not terribly active, has exactly the same concerns. They're all fairly comfortable with the November election as it exists, but...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Well, once again, Senator Welch is a fine guy, but he doesn't have a whole lot to say in my district either. But I -- I can remember when we debated the consolidated election law, and I was around here for that. That might even have been before the insurance/banking problem, but -- and everybody supported that. I think it just almost flew out of the House. I was in the House at that time, and there was a hundred and seventy-seven of us, and I think everybody thought that was such a great idea. Now, it was going to save all this money, and I'm not so sure it has. I mean, if you talk to county clerks and you see what the costs of elections are anymore, I think that -- that it's gotten prohibitive, at least in some areas of the State where you have a low voter turnout. Now -- well, that's not what we're about to do here, is it, is create another supposedly cost of savings for local units of government and then have it bite us later? That's a question, I guess.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Watson, I -- I don't believe there's anything mythical about the cost savings of running an election in a hundred and two

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

counties and countless precincts when you put three to five judges and pay them for that election. In many cases there are -- there's very -- community college trustees are not hotly contested races. Frequently, those are affirmations of people running. School boards sometimes are contested and sometimes not, but this is clearly an opportunity to save money from that point of view. It certainly will complicate for a short period of time the clerks. The clerks almost have two years to work this into the process.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. My question for the sponsor...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Shaw.

SENATOR SHAW:

What's the effective date of -- of this legislation?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

January 1st of 1998.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I've been talking to our Election Commission commissioner. Can you tell me exactly what's going to all be involved in this? We're going to have municipal elections, plus school board elections, plus fire district elections, plus community college elections, plus what else? Township elections...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

I think you'd want to add townships to that cycle as well, but what this bill does, this bill doesn't make April any different. This bill takes the school boards, the community college trustees and park districts and moves them into the April election with the other offices that are currently contested. Every -- where everybody lives, the jurisdictions differ. So I -- I can't specifically answer for each -- each area, but it's the April election, plus three others.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell.

SENATOR FAWELL:

Well, are we also including, like, library boards?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Library boards are already in the April election.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell.

SENATOR FAWELL:

You know, I'm -- my concern, frankly, in -- in -- for instance, my precinct, I've already got, like, five ballots that people have to come in and try and figure out which ballot they are in, because I've got some people that are in the municipality, some people that are just in the township, some people that are in a park district, some people that are under one school board, some that are under another school board. I've been told that if this bill goes through, our clerk is going to have to worry about approximately three hundred different ballot forms in the County of DuPage. Three hundred. Now, if my judges aren't screwed up now, they sure as heck will be. You know, I -- I agree with your concept. I'm not really sure, outside of the County of Cook, that this is such a great idea until we sit down and really talk to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

these clerks and find out exactly what are we getting ourselves into. Three hundred ballots in one county is an awful lot of ballots.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Klemm.

SENATOR KLEMM:

Just a brief question of the....

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Klemm.

SENATOR KLEMM:

Senator Rauschenberger, one question about how the county clerks can handle this. I understand many times it has to be paper ballots and they use different colors and sometimes we get so many that they don't even have that number of different colored ballots they can use and there's confusion on that, plus does it violate perhaps the use, or prevent the use of the voting punch machines, because we have so many. I think that's a concern, whether we can mechanically, if you will, or administratively administer all those names that Senator Fawell has answered. But I -- I'm not opposing your bill. I just need that for clarification. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Peterson. Oh, I beg your pardon. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, just to clarify a couple of those points real quickly. I couldn't agree with Senator Fawell more. The proliferation of special unit government in the State of Illinois is the fundamental problem. You can't solve that with an election consolidation. You're absolutely right. You also can't solve that by having an unattended, expensive election that you don't get voter turnout in the fall. I would heartily support us taking a

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

hard look at the consolidations of special unit and forcing coterminous borders. We've made some mistakes in Illinois, I think, under the '70 Constitution in allowing the -- the situation you're talking about to take place. And what I would reliably inform both Senator Fawell and Senator Klemm is this is not a new idea. We've passed this bill at least on two other occasions. I think it's actually three. The clerks have been in on the discussions all along. The school boards have been fully aware of this. We are reliably informed by the State Board of Elections that this is doable, that they've -- they've worked out the logistics. We've offered to change the bill on any request that they've had. We've had numerous conversations with the DuPage County Clerk. So, you know, I'm not saying that everybody thinks this is a good idea. I just don't want you to think that Senator Link and I popped this up a couple of weeks ago. This is actually an improvement of the bill 'cause it further modifies it to -- to deal with the concerns of the School Board Association. This -- other than that, it's precisely the same bill that passed out of here 57 to nothing.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. To the bill, just a little history: You know, the units of local government years ago, until the early eighties, they handled their own elections, they paid for the elections, and then the county clerks came along and said, "Hey, we can consolidate this and let's have these polling places all at the same place and give us a special levy. Give us a special levy so we can pay for it." And the Legislature did. Now what we do is we continually erode. We're going to do this; we're going to do that. Why don't we have one election every two years and get it over with? You know, I think we've gone too far. It's big

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

brother -- you know, we gave them the money to do it and now they say, "Oh, we don't have enough." We give them stipends to run the county government and they still don't have enough. So I think, just as a matter of principle, vote No on this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR RAUSCHENBERGER:

I just want to thank everybody for their -- their rapt attention to this bill. I don't know how I take these 57 to nothings and turn them into tough bills. But I'd just like to remind everybody the proponents on this bill are the Association of County Boards, the Cook County Clerk David Orr, the Illinois Farm Bureau. There is some opposition from the School Management Alliance, Community College Trustees Association, Scope and ED-RED. The bill has been passed by this Body on two other occasions. It's a good idea. The bill is better than it was before. And frustration aside, I'd ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 652 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 48 Ayes, 5 Nays, and 2 voting Present. And House Bill 652, having received the required constitutional majority, is declared passed. House Bill 674. Senator Sieben. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 674.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sieben.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

SENATOR SIEBEN:

Thank you, Mr. President. This legislation amends the Animal Control Act to allow counties to grant police powers, pertaining only to this Act, to animal control wardens, powers that they had up until a few years ago. The first amendment removes some objectionable language dealing with counties providing additional powers through county ordinance. That was removed from the bill. The second amendment was a clarifying amendment from the Department of Agriculture allowing them to designate what livestock diseases are contagious. And then the third amendment allowed arbitration for police officers' residency requirements in municipalities with a population under a thousand {sic}, similar to legislation we gave to fire fighters to have that same ability in arbitration. I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

Just a question for the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Lauzen.

SENATOR LAUZEN:

I'm sorry. I've been reading my mail lately and so I'm coming up with some unusual questions from folks back home. This -- this -- and you may have already mentioned this, but this doesn't allow them to carry weapons, does it?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sieben.

SENATOR SIEBEN:

The legislation would allow the county to authorize their animal control officer to carry a firearm.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further...

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

SENATOR SIEBEN:

Only for the support of and enforcement of the Animal Control Act.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall...
Senator Patrick Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator Sieben, the animal control officer goes out when there's a dog bite or something and he has equipment to capture a rabid dog, or whatever. Why does he need to carry a gun as well? I don't -- I don't quite understand the logic behind that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sieben.

SENATOR SIEBEN:

In some situations he may not need to use a firearm.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Well, that seems a good reason not to let him do it at all. Just because, you know, he's got tranquilizer guns, he has nooses, he has all this other stuff. They're not all that trained. They're -- they're somebody the county board puts on there because being a -- a dog catcher is something that probably doesn't require a great deal of skill, and now you want to arm them to the teeth. I don't understand the rationale behind that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sieben.

SENATOR SIEBEN:

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

In the example that Representative Black gave in the committee, and this is an issue that Representative Black and Senator Woodyard had worked on for about five years, they gave the example of a dog that was attacking a child and they needed to actually shoot the dog - euthanize the dog, rather than use the tranquilizer gun. In that situation, it was a matter of time, and had the animal control officer had a firearm they would have saved that child about a hundred and eighty stitches and a crushing of the skull.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

That's assuming the animal control offer {sic} hit the dog with the bullet and not the child, I -- I would guess. It seems to me that just to have people out there carrying guns just because one incident in the last five years happened isn't a good rationale to let every single animal control officer in the State carry firearms.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR SIEBEN:

I think just to state, in response to Senator Welch's comment, this doesn't authorize every animal control officer in the State to carry a firearm. It allows each county to give that authority. They can grant the authority. They can take it away. And it's only for the enforcement of this Act. I think it makes real good sense. And up until just a couple of years ago animal control officers all across this State had this authority. I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 674 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 42 Ayes, 13 Nays, and 3 voting Present. House Bill 674, having received the required constitutional majority, is declared passed. Now on the top of page 5 of your regular Calendar on the Order of House Bills 3rd Reading is House Bill -- House Bill 679. Senator Thomas Walsh. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 679.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Thank you, Mr. President. House Bill 679 is the liquor bill. It provides that a brew pub licensee shall not sell more than fifty thousand gallons per year off-premises -- for off-premises consumption. Provides penalties for selling or serving from a bottle of alcoholic liquor with a foreign object in it. Provides that the term "permanent inside sign" does not include spirits or wine lists and menus. Provides that the term "temporary inside sign" shall not include alcoholic lists and menus. Provides that glassware is not an inside sign or advertising material and may not be provided to retailers free of charge. It provides that a manufacturer, distributor or importing distributor may sell coil cleaning services to a retail licensee at fair market cost. Provides that if a licensee or officer, associate, member, representative, agent or employee of the licensee is prosecuted for selling, giving or delivering alcoholic liquor to a person under twenty-one years of age, the person under twenty-one years of age who attempted to buy or receive the alcoholic liquor shall be prosecuted -- pardon me, may be prosecuted. Increases the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

penalty for using a fraudulent identification to buy alcoholic liquor and the possession of alcoholic liquor by a person under twenty-one years of age from a Class B to a Class A misdemeanor. It provides that a retail licensee may conduct product sampling. It deletes provisions concerning sales on credit. This is a agreed-upon bill. I don't know of any opposition, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Bowles. Nope. If not, the question is, shall House Bill 679 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 House Bill 679, having received the required constitutional majority, is declared passed. Senator Bowles, what purpose do you rise?

SENATOR BOWLES:

For a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR BOWLES:

I have with me on the Floor of the Senate today the newly appointed County Clerk of Madison County, who was appointed upon the death of the County Clerk recently, and with Mark Bonita, who is the appointed Clerk, are his deputies, Colleen Spudich and Bob Jennings. I might say that I hired Colleen Spudich. I was the graduation speaker at her high school graduation and hired her out of the graduation line. And Bob greeted us. He was the first person who came to our house when we moved to a new neighborhood. Here was this little four-year-old guy who came over and -- and -- and welcomed us to the neighborhood. He's now, of course, the father of two sons. And I would like the Senate to recognize...

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

PRESIDING OFFICER: (SENATOR DUDYCZ)

To our guests, welcome to Springfield. House Bill 729. Senator Butler. Out of the record. House Bill 740. Senator Watson. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 740.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Yes. Thank you. Those of you who may be reading your analysis or looking at the Calendar, this legislation currently has nothing to do with either, hopefully. I'd like the indulgence of the Senate to pass this bill. It has some objectionable language coming -- in regard to East St. Louis schools, but we have agreed to take that out. I have talked to the House sponsor of the bill. He's agreed to call for a conference committee and there's -- the additional language that's in here deals with sprinkler system requirements for schools, and we've worked this out with the union dealing with the installation of sprinklers. So we want to do that in a conference committee, and I'm asking the indulgence of the Senate to -- to count on my word that that will be done and we will ask for a conference committee, and that is what will happen.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House -- Senator Demuzio.

SENATOR DEMUZIO:

Is there any consolidation of elections in this -- in this bill anywhere?

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Senator Watson.

SENATOR WATSON:

No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall House Bill 740 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 56 Ayes, 1 Nay, none voting Present. And House Bill 740, having received the required constitutional majority, is declared passed. Senator Link, what purpose do you rise?

SENATOR LINK:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR LINK:

On Senate {sic} Bill 652, which we were pushing there, I pushed my Yes button, but I guess it didn't record, but I want to be recorded as a Yes on that vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record will so reflect your intent.

SENATOR LINK:

Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

With leave of the Body, we will return to -- later to House Bill 768. House Bill 847. Senator Fawell. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 847.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. What this bill does is it allows Warrenville -- City of Warrenville to shift the property tax extension for the special west suburban retarded citizens' group over to the park district where it belongs.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 847 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 51 Ayes, 4 Nays, none voting Present. And House Bill 847, having received the required constitutional majority, is declared passed. House Bill 898. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 898.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. House Bill 898, as amended, is substantially different than it was when it came over here from the House. This was a grant program for school districts whose buildings had been condemned and would provide for revenue for their relocation expenses. We have tightened this bill up substantially. Senator Berman was a part of those discussions. It is my hope, Mr. President, that we move this bill out of here today. Yesterday we passed out of here House Bill 18, which contained the -- the bonding language -- or,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

possible bonding language for school districts that we hope will be a part of whatever package we pass on school bonding. And I believe this concept here on temporary relocation expenses might well be a part of that. The language I think that we've put in here tightens up the abuses that we thought were possible. I think this is a good concept and would like to have it continue to move through the process.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 898 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. And House Bill 898, having received the required constitutional majority, is declared passed. House Bill 909. Senator Fitzgerald. House Bill 918. Senator Maitland. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 918.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Chamber. House Bill 918 does create the Youthbuild Program. This is a program that was -- that has its beginning in Washington and has branched out to a number of states. There are three programs that are taking place in Illinois right now. They will ultimately be asking for perhaps as much as three hundred thousand dollars, perhaps more than that as the -- as the program grows, but this is a -- a voluntary program and the individuals that are involved are

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

from age sixteen to twenty-four who are, for the most part, not in any kind of a structured school program. Under the plan they have to be in a structured classroom for about fifty percent of the time and on a job the rest of the time. There is -- as a part of this program, local contractors help. They work on homes that will be sold ultimately to low-income people. I have seen, as has Senator Syverson seen in the Rockford area, the benefits of this plan. They learn on-job skills with the help of contractors and others who help and assist with it. They buy the homes and sell them at an appraised value to the low-income families. I think it's a good program. I think it's something we ought to try and would seek support of the Body.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 918 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 56 Ayes, no Nays, none voting Present. And House Bill 918, having received the required constitutional majority, is declared passed. House Bill 922. Senator Walsh. Thomas Walsh. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 922.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Thank you, Mr. President. House Bill 922 requires the title companies and agents to file their highest fees. If the company or agent increases or adds a fee, it must file notice of the new fee and wait sixty days for it to take effect. It may decrease a

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

charge or fee, and the decrease would become effective upon being filed with the DFI -- the Department of Financial Institutions. Additionally, it permits title insurance companies and agents to perform escrow services. The agent must have specific written escrow authority from the company and must be registered with the Department of Financial Institutions and notice of the escrow authority provided to the Department of Financial Institutions. And I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Petka. Any further discussion?
Senator O'Malley.

SENATOR O'MALLEY:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator O'Malley.

SENATOR O'MALLEY:

Senator Walsh, can you tell me and the Members of this Body what it will cost to implement the -- this program that is contemplated under this legislation as it exists today?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

The -- no, I can't. What I can tell you, though, is that the Department of Financial Institutions has no position on -- on this bill. And I would expect that if there was going to be a significant cost, that the Department would have taken a position, more than likely, against it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Walsh, the program that -- that is contemplated in this legislation, while it is in the nature of some regulation, is

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

not full-blown regulation. If this legislation were to become the foundation upon which full-blown regulation of the title insurance industry would occur, do you have any idea what the fiscal impact of the taxpayers of Illinois would be in that event?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

I -- I don't. I don't see where there would be a fiscal impact to the taxpayers of the State of Illinois, to be very honest with you. I don't see where there's going to be additional costs. As I said, and you know that whenever there's any -- whenever there's legislation that's going to impact different agencies - and this one I would expect is going to probably have some impact on the Department of Financial Institutions - that the department would normally come out opposed to the legislation. And the Department has taken no position on this and has not indicated to anyone that this is going to significantly affect their budget.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Again, thank you, Mr. President. Just to the bill, if I might. Senator Walsh is someone who I have a great deal of respect for, both personally and as a legislator. He is Vice Chairman of the Financial Institutions Committee, which I have the opportunity and pleasure of chairing, and he's been a good and faithful Vice Chairman and a great help to me. But on this particular piece of legislation, he and I and the members of this caucus have not gone in the same direction. And I might add that, Senator Walsh, you have made a valiant effort to try and turn this legislation into something that looks like it's to protect consumers. The reality of it is, though, no matter how much perfume you put on this particular pig, it is still a pig. I said

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

earlier in -- in committee, when we considered the amendment that you put on today, that this whole legislation may be analogized to a rebel without a cause. This is regulation without any reason of any kind. Where do we stop, once we go down this road, Ladies and Gentlemen? Are we going to decide that just because we want mortgage companies to declare what their rates are going to be and that the marketplace can only fluctuate under certain circumstances, provided those mortgage rates are actually reported to some -- some State agency in Illinois -- where is this going to lead us to? This is -- this either is going to lead us to full regulation of the title insurance industry, which, in my opinion, Ladies and Gentlemen, would be an absolute travesty for Illinois consumers, or it may lead to additional legislation like this that would pull in the mortgage industry and other industries that, frankly, don't need to be regulated, that the marketplace can actually do the job and do it quite well. Ladies and Gentlemen of the Senate, the current system is working and it is working very well. Senator Geo-Karis gave an excellent example in committee today, and -- and I see her light is on and I'll let her speak to maybe what she -- she wants to relate and share with you today. I have had the pleasure of working with many title insurance companies throughout Illinois in my brief practice as an attorney in this State, and I can tell you that I want to have the unfettered ability, as a legislator, to advise my clients where to go and get the best possible title insurance, both in terms of rate and protection. This legislation would diminish my ability to do this. And lastly, I would say this: At a time when we are looking for funding for schools and other important issues that are facing the State, with all due respect to my colleague, Senator Walsh, there is a fiscal impact here. He doesn't know what the fiscal impact is today. None of us do. He won't know what the fiscal impact is years to come as this thing grows, and

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

gets bigger and bigger, into full-blown regulation. But I would suggest to you that it is folly for us to move forward with a legislative package such as this one that would, in fact, represent a huge impact, potentially, on the cost of Illinois doing business, and it certainly would not, in my opinion, even with the fine amendment that he worked diligently to try and put on this legislation today, to really be in the -- best interests of Illinois consumers for title insurance. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Petka.

SENATOR PETKA:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

There are six additional speakers. Further discussion? Senator Hendon. Further discussion? Senator Welch.

SENATOR WELCH:

Mr. President, I'd like to declare a conflict of interest and state that I'll be voting Present on this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, this bill was well debated in our committee, and I -- I echo the remarks made by Senator O'Malley. You know, they tout -- they tout this as a consumer's bill. It's not a consumer's bill, because if there's going to be added costs, it's going to be passed on to the consumer. And I like to feel that the companies that I deal with - and I deal with title companies; I have about ten of them in my area - the companies I deal with, I want them to be responsible and fully funded so that if they make a mistake, they're able to pay it. About -- a couple of years ago, for example, there was a mistake made in a title report which was a couple of million

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

dollars, and I know that it's a solvent company, a very good company that's been in business a hundred and fifty years. The Chicago Title Company made it good. Now, some of these companies, they don't have the assets that they should have so that they can cover their mistakes, and some of the mistakes can be very sizable. It's not a consumer bill at all, and that's what it's touted to be. It's one that will -- might be more dangerous to the consumer, because if they deal with a title company that's not fully funded the way it should be, they can lose if they can't cover their losses and their mistakes. And I certainly speak against this bill, much as I like the sponsor, because I don't think it's a responsible effort to help the consumer. I think it'll take away from the consumer in the long run, because if there are added costs that the companies have to pay, they're going to pass them on to the consumers. And furthermore, I'd like to see the companies that are responsible be funded enough to take care of their obligations, and I think what you're doing is letting some of the fly-by-nights come in and benefit from the expense and the experience of the more mature companies that have been in business and know their stuff.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. While I personally don't write title insurance, the firm that employs me may write some, and, therefore, I will be voting Present.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. Just a brief comment. This was debated in committee, but I rise in strong support of the bill. I don't buy into the argument that if there's additional costs for

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

letting the consumers know what the highest rate is, that the title companies are automatically going to be profit-gougers and just pass that on to the consumer. This gives the consumer an opportunity to know what the highest rates are - it doesn't even deal with the lowest rates - so that people can look around and shop at home and make a determination that will benefit their family and their -- getting the title to -- when they're -- doing a close. So I rise in support of this bill, and I don't think the title insurance companies are going to be irresponsible and just gouge and make more profit.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you very much, Mr. President. Let me just -- just cut to the -- what -- to the center core of the -- of the argument, at least in my estimation. Like so many other things we deal with on this -- on this Floor, the devil is in the details, and so it is with this bill. This is a very thinly disguised effort to -- to fix prices. There's no other reason for it, and not -- because it inevitably will drive prices up. Can you imagine being in a business where you have to register your highest price, and then whenever you want to lower that price, you must go back to the -- to the insurance control people and tell them what you want to do? The -- the -- the problem is that -- that the effort by some of these companies now is to try and force their way into the market and -- at a slightly higher price because they find it difficult to compete. Well, too bad. You know, every -- I can think of fifty businesses that would love to have this kind of a control and this kind of a protection. So I would say that we should avoid every temptation there is to fix prices, because I think this is exactly what will happen here.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Further discussion? Senator Molaro.

SENATOR MOLARO:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield, Senator Molaro.

SENATOR MOLARO:

How many -- do you know neighboring states or how many states have a bill or a Statute similar to this?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

You know, I don't know exactly how many. I know that Florida does has -- have a bill that is even, I guess, more restrictive than this bill is, and I know that there are several other states that do. Exactly how many, I -- I'm not positive.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Well, then just quickly: I -- I can't really understand where the additional cost item comes in, 'cause all we're talking about is that we have all these title companies out there. And title insurance, of course, as we all know, is a different animal than regular insurance. You're always seeing insurance companies - car insurance. They're advertising. They show rates. You can easily call an insurance company, "What would you charge for car insurance?" Every time my rates go up for car insurance, me and my wife called fifteen different places. You get rates all over the place. I have no idea how would you find out what a title insurance is charging. Most -- most of the consumers just accept it. And I do closings, and you go there and you tell them it's four hundred dollars, five hundred dollars, and they go "Whoa!

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Four or five hundred?" But there's really no way to find out what's going on. Now, to come up and say that it's an extra burden for a title company to say these are the rates we're going to charge for the next sixty days, ninety days, thirty days - this isn't regular insurance. It's not going to be so volatile that one year they're going to charge -- or, one day they're going to charge five hundred for a hundred thousand dollars' worth of insurance, and the next day they're doing to say, "Uh-oh, we're going to have to charge much, much more." They don't change their rates that much. All this is asking is they make a rate card and they send it into -- to the DFI. That's all they're doing. It doesn't -- I don't understand where the cost comes in. This is good consumer legislation. They make a rate card. They send it in. They can decrease it any time they want. If they want to increase it, they make another rate card that takes about five minutes and they send it in, and the consumer can see what's going on. And if some of the major title companies don't like that or whoever it is that doesn't like that, they don't like it because they don't want people to know what their fees are and what they're charging; it's not because of increased costs. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator DeLeo.

SENATOR DeLEO:

Thank you, Mr. President. On House Bill 922, because of a conflict of interest, I'll be voting Present.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, too, rise in support and I -- I guess I'm a little confused by the debate. As I understood the bill as it came through committee, this has nothing to do with the -- the amount of

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

insurance behind it - that's regulated elsewhere - so that if there was a two-million-dollar hit on one of these title companies, they would have had to have had insurance under the State of Illinois to cover it. So that this bill has nothing to do with that, whatsoever. What it does do, however, is let the consumer be informed. What is wrong with that? And if a title company wants to charge a fee, they have to post it. They cannot charge you any more than that. They can charge you less. If they want to charge more, they have to go to the Director and file a card that says "We're going to charge more," and that cannot be effective for sixty days. If they want to charge less, they just call them right away and say "We're going to charge less," and that's effective right away. Not only is that good for consumers, we did the same thing years ago with hospitals. We said that hospitals had to post the rates for their most common procedures in the admission room. So for those people who were not emergency and wanted to walk in and see what a charge is for an appendectomy or something else, they could actually do some comparison shopping by having the charge posted on the wall. We do require fees on currency exchanges. State sets that and says that they have to be posted. And if you talk about who else does it, did you ever go into a car dealer? There's a sticker price. Now, no question, they could charge you more. Traditionally they charge you less, but there's prices there. What's wrong with posting prices so the consumer can find out what it's all about? And if business is sharp and wants to charge less, all the better for the consumer. I think it's a good idea.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

To close?

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Senator Walsh, to close.

SENATOR T. WALSH:

Okay. First of all, Senator Butler, I don't see the price-fixing issue. Geo, I -- I -- I -- this bill is not going to limit the companies that you're talking about from doing business in the State of Illinois. They're doing business. I don't know what companies they are. They are doing business in the State of Illinois. They are going to continue to do business in the State of Illinois, even if this bill fails. And, Senator O'Malley, I just -- every time -- and I'm on the Appropriations Committee, but every, single time there is a -- a fiscal impact to any department, that department -- and I don't care if it's for a dollar, ten dollars, a million dollars, that department files a slip in opposition of whatever the -- the legislation is. And I don't think that the Department of Financial Institutions would be any different. I see this bill as a good-for-the-consumer bill, and I'd just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh, for what purpose do you rise? I beg your pardon. Senator O'Malley, what purpose do you rise?

SENATOR O'MALLEY:

With due respect to the Body and to you, Mr. President, my name was mentioned in the close, and I would like to respond, if I could.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Please proceed.

SENATOR O'MALLEY:

Okay. Thank you very much. I would like to say that there's two issues that I heard come up in debate that I think everybody needs to be very clear about. One is talking about posting: What's wrong with posting what the rates are at a business - any business? Ladies and Gentlemen, there's nothing wrong with that.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

And in fact, that's exactly what's done at title companies now. And if that's what the legislation was about, I wouldn't be standing in opposition to it. And with respect to there not being a cost to it, when and where did it become reality that it doesn't cost something to have a significant effort made in a particular department to keep track of an entire industry and respond to consumer questions or anybody's questions about what rates are posted?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Carroll, what purpose do you rise?

SENATOR CARROLL:

With all due respects, on a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR CARROLL:

Senator O'Malley has spoken, I've spoken, others have spoken. His name may have been mentioned, but it was not mentioned as to what he is referring to, and I think that his comments at this point are out of order unless we want to start debate over again, which I don't want to do.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Point -- point well made, Senator Carroll. Senator Walsh, to close.

SENATOR T. WALSH:

Just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 922 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 19 Ayes, 32 Nays, 6 voting Present. House Bill 922, not having received the required constitutional majority, is declared failed.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Senator Link, what purpose do you rise?

SENATOR LINK:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR LINK:

Mr. President, with us today in the Body, standing by my chair is the distinguished County Clerk of Cook County, the Honorable David Orr.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Welcome to the Senate. Tony Bateman from IIS Video requests to videotape the Senate proceedings. Hearing no objection, leave is granted. Top of page 6 of your regular Calendars in the Order of House Bills 3rd Reading is House Bill 940. Senator Watson. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 940.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This does exactly what the Calendar says. It amends the Higher Education Student Assistance Act increasing the aggregate principal amount of bonds issued by the State -- by the Student Assistance Commission, and it is effective immediately. We do this periodically to allow for student loans. This raises it from 1.5 {sic} billion to 2.1, an increase of six hundred million -- for student loans.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If there's any discussion? If not, the question is, shall House Bill 940 pass. All those in favor

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

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 56 Ayes, no Nays, none voting Present. And House Bill 940, having received the required constitutional majority, is declared passed. House Bill 995. Senator Hawkinson. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 995.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. House Bill 995 is an initiative of the Illinois Farm Bureau. It applies the exemption that the federal government allows to states for commercial driver's license to allow farm family members - not employees, but farm family members - an exemption from the alcohol and drug testing procedures. This is something that is allowed by all of our neighboring states and -- and other ag states. It is an exemption for farm families. It does not exempt them from any other requirements of the commercial driver's license. Does not exempt them from the blood alcohol level of .04 percent. This passed the House 108 to 6. I know there is opposition from, particularly, independent truckers and the trucking companies. Much of that opposition in committee comes, quite frankly, because the -- the one-man rig, the one-man operation would like the same exemption, but Congress does not authorize that. The State Legislature has no authority to give that similar exemption. But Congress has recognized that for farm operations, when a farm operation owns its own semi and they need to get it to market and there are those restrictions, the congressional legislation allows states to grant

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

that to farm operations to haul their own produce and products to market. Our other neighboring states have it. Most ag states do, and I would be happy to try and answer questions, otherwise ask for an affirmative vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I'd just like to remind the -- the Members of the Senate the Farm Bureau is indeed asking for an exemption of testing drivers that -- from both drugs and alcohol testing program. They will be allowed, under this bill, to drive a radius of a hundred and fifty miles without that test. It is a random test. It is given to any other driver that wants to drive a semi. As of this moment right now farmers are -- are not charged the full price for plates. They're only charged half price. They can carry loads up to twelve feet wide, which is prohibited for any other driver. A hundred-and-fifty-mile radius is actually three hundred miles total. That's -- that's half the State. They are not required to carry any kind of manifest saying that this indeed is their own property. It can be a neighbor's property that they are hauling. We have a couple of farmers here in -- in the Assembly that have trucking -- that have trucking companies. One of them has told me that he is indeed tested. I see no difference between him, who -- who is paying the full price, who is doing what the rest of the law requires, than the guy that happens to want to run a forty-five-foot semi for his own personal use. I think this is a bad idea. We have more trucks, more highways than any other state in the midwest and, in fact, in the nation. Traffic is a lot heavier in the State of Illinois than it is out in the -- Iowa or Indiana. I don't want to have my children or -- or myself driving on our highways with somebody who has not been tested and who may only drive a semi, according to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

the Farm Bureau, two or three days a week that's got a load twelve feet wide and a -- on a trailer forty-five feet long. I think this is a bad idea. We ought to say No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR HAWKINSON:

Thank you, Mr. President. Just briefly, the remarks about being able to carry someone else's produce are inaccurate. This only authorizes them to carry their own. Matter of fact, we have tightened this bill up. Although it did receive 108 votes in the House, we have limited it even further. At the suggestion of several Members of the committee, we have amended it so that it only applies to the farm plate, not the regular license plate. So it has to be the farm plate. It only applies to farm family members. And while a hundred and fifty miles may seem a lot, in deep southern Illinois, in -- in the middle of the State, sometimes to get to market, to get to the river, you've got to drive those kinds of distances. Again, this is a Farm Bureau initiative, and I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 995 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 37 Ayes, 17 Nays, and 2 voting Present. And House Bill 995, having received the required constitutional majority, is declared passed.

END OF TAPE

TAPE 3

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton, what purpose do you rise?

SENATOR CULLERTON:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR CULLERTON:

Mr. President, Members of the Senate, I'd like you to please welcome a member of the Chicago City Council from the Super Ward from the City of Chicago, Alderman Burton Natarus, who is down here visiting us in -- in Springfield.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Welcome to Springfield. House Bill 998. Senator O'Daniel. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 998.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President and Members of the Senate. House Bill 998, with Floor Amendment 1, creates the Illinois Petroleum Education and Marketing Act and -- and the Petroleum Resources Board. It allows the Board to levy an assessment of one-tenth of one percent on the gross revenue from oil and gas produced from each well in the State of Illinois. This is an initiative of the Illinois Oil and Gas Association. It's patterned pretty well after legislation in the State of Oklahoma and I think this bill, along with House Bill 771 we passed out of here, will go a long ways in cleaning up a lot of the abandoned wells and things, and I would ask your support. And if there's any questions, I'll...

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 998 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 54 Ayes, 2 Nays, none voting Present. And House Bill 998, having received the required constitutional majority, is declared passed. House Bill 1029. Senator Link. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1029.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. With the adoption of the Senate amendment, it permits a court -- thank you -- it permits a court to admit evidence of prior conviction of a defendant for domestic violence, battery -- violence offences when a victim is the same person who was the victim of the previous offense that resulted in the conviction of the defendant. Proof of this evidence can be made by a specific incident and conducted for proof of conviction. However, before these prior convictions can be admissible in -- the court must determine if -- the probative value of the evidence against the undue prejudice against the defendant. Another safeguard of this bill regarding the admission of evidence: The prosecution must disclose the evidence, including the statements of the witness or a summary of the substance of the testimony at a reasonable time in -- in advance of the trial, during the trial. The safeguard of this admission of this type of evidence was also included in Senate Bill 5, which was passed by this Body and has

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

been sent to the Governor for signature. This -- this bill is sponsored by the Illinois Coalition Against Domestic Violence. I know of no opposition to this bill, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1029 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 58 Ayes, no Nays, none voting Present. And House Bill 1029, having received the required constitutional majority, is declared passed. House Bill 1051. Senator Myers. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1051.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Myers.

SENATOR MYERS:

Thank you, Mr. President and Members of the Assembly. The first part of this bill defines in more depth certain areas of the Hunter Interference Prohibition Act. The second part, in -- in the way of the amendment, is one that's very dear to my heart and I think to the rest of you who are a part of this Assembly, because it honors a man that was part of this Assembly for many years, who was a great man, a great legislator, a fine individual, and someone that deserves this recognition. And the recognition is in the form of renaming the Site M Fish and Wildlife Area as the Harry "Babe" Woodyard Conservation Area. This is something that I feel that we all should support as a tribute to a man who was a friend of all of yours and who was a great legislator from

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

the 53rd District. And I thank you very much; ask for an affirmative vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1051 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 58 Ayes, no Nays, none voting Present. And House Bill 1051, having received the required constitutional majority, is declared passed. House Bill 1101. Senator Jacobs. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1101.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill, as it sits in current form as amended, allows for a judgment of restitution for a victim of a crime to carry interest. This is being done to come into compliance with an Appellate Court ruling which said currently that can't happen. I know of no known opposition and ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1101 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. And House Bill 1101, having received the required constitutional majority, is declared passed. House Bill 1118. Senator Peterson.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1118.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President and Members of the Senate. House Bill 1118, the first part is an initiative by the County Treasurers Association. The bill abolishes the protest fund, directs the county collector to pay refunds plus interest due on the refunds out of funds in his or her possession, or if the collector does not have any funds, then out of the first funds collected for the taxing district in the subsequent year. It also has an amendment which has to do with the unsold mineral rights, and many of these mineral rights are deemed of marginal value, so the owner won't pay the taxes and tax buyers won't buy them. Consequently, they are carried on the books forever and this amendment would clean up the bookkeeping. Ask for your support of House Bill 1118, as amended.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1118 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. And House Bill 1118, having received the required constitutional majority, is declared passed. House Bill 1121. Senator Peterson. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1121.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President and Members of the Senate. House Bill 1121 has the mineral rights language that we just discussed. We use this as a -- for the amendment. As you remember, House Bill 601, there was problems with the Department of Revenue and also with the municipalities. With this amendment on the bill, it clears it up. Everybody's in agreement. I ask for your support on House Bill 1121, as amended.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1121 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 58 Ayes, no Nays, none voting Present. And House Bill 1121, having received the required constitutional majority, is declared passed. Senator Severns, what purpose do you rise?

SENATOR SEVERNS:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR SEVERNS:

It's my great honor to alert the Senate that a dear friend and a long Member of this Body in very different capacities is here on the Floor today. That's our own Senator Dick Durbin, and we're delighted he's joined us.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Welcome to Springfield, Senator Durbin. On the Order of House Bills 3rd Reading is House Bill 1140. Senator Cullerton. Senator Cullerton, you wish this bill returned to -- to the -- to the... Senator Cullerton, do wish this bill returned to 2nd Reading for the purposes of tabling an amendment? Senator Cullerton seeks leave of the Body to return House Bill 1140 to the Order of 2nd Reading for the purpose of tabling an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1140. Mr. -- Senator Cullerton, to make the motion.

SENATOR CULLERTON:

Yes. I understand that to -- in order to table the amendment, I -- since we had a record roll call on both -- both Amendment No. 1 and 2, that I wish to, having voted on the prevailing side, move to reconsider the vote by which those amendments passed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Having voted on the prevailing side... Senator Cullerton.

SENATOR CULLERTON:

I understand Amendment No. 1 was not adopted on the Floor. It was adopted in committee, but not on the Floor. Amendment No. 2 was adopted in committee and on the Floor. So I'm not sure what the motion should be with regard to Amendment No. 1, but I've made the motion with regard to Amendment No. 2.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton, do you wish to table both the amendments?

SENATOR CULLERTON:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Having voted on the prevailing side, Senator Cullerton moves to reconsider the vote by which House Bill 1140 was -- Amendments No. 1 and 2 were adopted. All those in favor, say Aye. Opposed, Nay. The Ayes have it. There will be a roll call on this one. Recorded roll call. All those in favor will vote Aye. Opposed

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

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. The -- the vote is 50 Ayes, 2 Nays, none voting Present, and the motion carries. Senator Cullerton.

SENATOR CULLERTON:

Okay. And is the posture of the bill now, Mr. President, that the amendments have been removed and now we can proceed with the bill? Now the motion is to table Amendments No. 1 and 2?

PRESIDING OFFICER: (SENATOR DUDYCZ)

That's correct. You've heard the motion. All in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendments are tabled. 3rd Reading. House Bill 1140. On the Order of 3rd Reading. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1140.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill is sponsored by Representative Cross in the House. Came to him from a constituent landlord. It is supported by the Illinois Association of Realtors and the City of Chicago. It's a bill to aid landlords in evicting troublesome tenants who are committing crimes. If a tenant uses or permits the use of a leased premises for certain criminal acts, the lease shall be void at the lessor's option, and the lessor or the State's attorney may bring a forcible entry action for the eviction of the lessee. I believe it's not controversial. Be happy to answer any questions, and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Is there any discussion? Senator Hendon.

SENATOR HENDON:

Thank you very much, Mr. President. I want to commend Senator Cullerton for taking the controversial amendments off of this legislation. Now it's pure and clean and I support it, as I did in its original form, and I thank all of you who committed to me you'd vote against this bill. But now that it's -- the amendments have been taken off, I urge an Aye vote for this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Walsh. Thomas Walsh.

SENATOR T. WALSH:

Senator Cullerton, has former Representative Ellis Levin taken a position on this bill?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall House Bill 1140 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 House Bill 1140, having received the required constitutional majority, is declared passed. House Bill -- House Bill 1141. Senator Bowles. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1141.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bowles.

SENATOR BOWLES:

Mr. President and Members of the Senate, this bill amends the Public Aid Code and the Marriage and Dissolution of Marriage Act and provides that whenever the court finds that a child support

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

obligor either owes an arrearage of more than ten thousand dollars or is delinquent in the payment of an equal amount to at least three months, that the clerk of the court would be directed to publish this in a newspaper which serves the area in which the clerk's venue is -- is provided. And also, it removes from this bill the Revised Uniform Reciprocal Enforcement of Support Act because it is in the process of being repealed. If questioned from anyone, I'd be happy to answer. Otherwise, I would ask for an affirmative vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1141 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 58 Ayes, no Nays, none voting Present. And House Bill 1141, having received the required constitutional majority, is declared passed. House Bill 1142. Senator Jones. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1142.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. Senate Bill -- House Bill 1142, as amended, is a vehicle bill at this time, because we're still trying to work out some differences with the HMOs and the life insurance industry, and so I ask for a favorable vote. We'll move it over to the House and see if we can resolve those differences.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Is there any discussion? If not, the question is, shall House Bill 1142 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 56 Ayes, no Nays, none voting Present. And House Bill 1142, having received the required constitutional majority, is declared passed. House Bill 1147. Senator O'Malley. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1147.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1147, as amended, is the second major telecommunications policy bill to come before the Senate this Session. Like the first, Senate Bill 700, which I might add, if any of you don't know, is now sitting on the Governor's desk, the purpose of House Bill 1147 is to prepare the way for increased competition and greater consumer choice in the changing markets for communications and information service in Illinois. And like Senate Bill 700, House Bill 1147 would implement a policy recommendation made after a yearlong study by the Telecommunications Subcommittee of the Environment and Energy Committee. The federal Telecommunications Act of 1996, which is now fifteen months old, calls for the elimination of all barriers to competition and uniform treatment of all the telecom providers, with the aim of promoting innovations and investments in our nation's communication systems. House Bill 1147 would further this aim in two principal ways: first, it would establish a

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

uniform statewide framework for municipal franchising of telecommunication carriers that use the public rights-of-way; and second, it would replace the outmoded State tax on invested capital with a uniform statewide infrastructure fee. The lack of uniform and reasonable local franchise requirements and fees throughout Illinois have already frustrated investments in new state-of-the-art networks, and local franchise fees and the invested capital tax are not borne uniformly by all -- all telecom service providers or consumers. House Bill 1147 would level the playing field for providers, as required by the new federal Telecommunication Act, and it would establish fairness for consumers. House Bill 1147 allows, but does not require, local governments that elect to eliminate franchise fees to impose an infrastructure maintenance fee in their place. This legislation reflects consensus among the telecommunications industry, the Illinois Municipal League, and suburban councils of government. It preserves local control over the public rights-of-way, which is, I think, important for all of you to know, while at the same time simplifying and streamlining local market entry by companies that want to invest in our State. I'd be pleased to answer any questions there may be, and I request your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:

Sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Cullerton.

SENATOR CULLERTON:

Senator, as you may recall, I sponsored a -- a similar bill, which did not pass, and I assume that there's been some changes made to this bill that would result in it now having more support. Could you perhaps highlight the differences?

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Cullerton, I was not intimately familiar with your particular legislation, although I had heard it in subcommittee. But you were the one who actually conveyed a lot of those -- or, convened a lot of the discussions around this particular issue.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall House Bill 1147 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 54 Ayes, 1 Nay, and 2 voting Present. And House Bill 1147, having received the required constitutional majority, is declared passed. On the top of page 7 of your regular Calendars on the Order of House Bills 3rd Reading is House Bill 1151. Senator Cullerton. House Bill 1171. Senator Rauschenberger. With leave of the Body, we will return to -- to Senate {sic} Bill 1171 later. The sponsor is in conference on the 2nd Floor. House Bill 1174. Senator Karpiel. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1174.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. I feel like I have passed this bill several times already, and I have. Amends the Hazardous Material Emergency Response Reimbursement Act and provides a mechanism for all communities, rather than just -- than just small communities,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

that respond to emergency incidents involving hazardous materials to obtain reimbursement. It reduces the threshold for receiving reimbursement to require that the applicable cost of supplies must exceed two percent, rather than five percent, of the emergency response agency's annual budget. And this -- this bill now, as amended, has -- is an agreed amendment among the Chemical Industry Council, State Fire Marshal and all the parties that were involved in the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1174 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. And House Bill 1174, having received the required constitutional majority, is declared passed. House Bill 1210. Senator Dillard. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1210.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a very simple bill that came from a constituent of mine, and it provides that the Secretary of State shall issue one set of Gold Star license plates to the surviving sibling of a person who died in the Armed Forces if the parent, who now can get the plates, was awarded the Gold Star plate but has become deceased. And I'd be happy to answer any questions, and I'd appreciate a favorable roll call.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1210 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. And House Bill 1210, having received the required constitutional majority, is declared passed. House Bill 1215. Senator Burzynski. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1215.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. We've passed this language out in Senate Bill -- or, House Bill 1216 as well. However, yesterday we added a technical amendment, an effective date. This bill will be going to a conference committee report.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1215 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 55 Ayes, no Nays, none voting Present. And House Bill 1215, having received the required constitutional majority, is declared passed. House Bill 1230. Senator Luechtefeld. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1230.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President and Members of the Senate. House Bill 1230 amends the Interstate Ozone Transport Oversight Act. It authorizes the General Assembly oversight of the submission of the State implementation plan for ozone. Last year we passed the Interstate Ozone Transport (Oversight) Act and this simply follows through with the EPA giving some informational meetings to let us know, as -- as representatives of the State and the people, the economic impact of what might be coming down the line with regard to the ozone regulations. I would ask for your favorable support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1230 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 58 Ayes, no Nays, none voting Present. And House Bill 1230, having received the required constitutional majority, is declared passed. House Bill 1252. Senator Dillard. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1252.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill was suggested by the Guardianship and Advocacy

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Commission, and much of its language is taken from the National Guardianships Association's Ethics and Standards for Guardians and it provides that a temporary guardian may be appointed for a disabled adult pending a citation hearing for removal of a representative. It exempts public guardians and the Office of State Guardian from provisions prohibiting a guardian from placing a ward in a residential facility without a court order. And lastly, it sets forth requirements for residential placement, withholding or withdrawal of life-sustaining treatment and other lawful decision-making by a guardian, without court action. I know of no opposition and would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1252 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. And House Bill 1252, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

House Bill 1254. Senator Cronin. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1254.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. We've discussed this bill. I've explained the amendment before. It -- it talks about the endangering the life of a minor

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

and enhances the penalty to a Class 3 felony. A second or subsequent conviction would be a Class 2 felony. The language in here that may be interesting to some of you is that we have provided for a -- an affirmative defense for those people who are concerned about nontreatment of their child. Christian Scientists, they can come in and tell the judge that, you know, this is a -- a exercise of their religious freedom and the judge can rule, but it does not provide for an exception for those folks. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, the question is, shall House Bill 1254 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 56 voting -- 57 voting Aye, none voting No, none voting Present. This bill, having received the required constitutional majority, is hereby declared passed. 1268. House Bill 1268. Senator Shaw. Out of the record. 1337. Senator Bomke. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1337.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Bomke.

SENATOR BOMKE:

Thank you, Madam President and Ladies and Gentlemen of the Senate. House Bill 1337 creates the New Hire Reporting Act. Requires employers to report newly hired employees to the Department of Employment Security. Requires that Department to maintain a database of reporting information and share that

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

information with the Department of Public Aid and Human Services, circuit clerks and federal offices for the purposes of -- of enabling them to perform their duties concerning collection of child support.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, on that question -- on that question, shall House Bill 1337 pass, those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 58 voting Aye, none voting No, none voting Present. This bill, having received the required constitutional majority, is hereby declared passed. 1345. Senator Madigan. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1345.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President and Members of the Senate. This is House Bill 1345 revisited from yesterday. First of all, to Senator Walsh's question whether or not there's anything in Lincoln or in the 45th District that has twenty-three floors, the answer to that is no. But there are structures that do contain a height of twenty-three floors or more and those are certainly grain elevators, but this doesn't have anything to do with grain elevators either. What this does is merely clarify language that is currently in the Statute with regards to brokers' liens when they are -- when they have represented someone in securing a lease on a portion of piece of property and protecting that broker's

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

interest without confusing the title on the entire piece of property. The bill is not a broadening or an expansion of any current Statute, but actually restricting or clarifying current Statute that we passed with regards to the Commercial Real Estate Broker Lien Act. Yesterday there were a couple questions on House Bill 1345. I think we can clarify those at this point, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Madam President. I want to thank Senator Madigan for his courtesy in addressing these questions, and for legislative intent I have four questions that I would like to pose and request his answers. Question one: Is a lienholder -- I'm sorry. Is a lienhold -- is a leasehold lien filed with the county recorder?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan.

SENATOR MADIGAN:

Yes.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Next.

SENATOR BERMAN:

Does a lien filed on a leasehold interest affect the owner of the real estate?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan.

SENATOR MADIGAN:

No, Senator. That is the point of this legislation. This legislation clarifies that a leasehold lien shall only attach to the leasehold interest.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Senator Berman.

SENATOR BERMAN:

Question three: Would a title search done by a potential buyer discover a leasehold lien?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan.

SENATOR MADIGAN:

Yes, Senator, but it would not be enforceable against either the current owner or the buyer.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator -- Senator Berman.

SENATOR BERMAN:

And finally, what happens if the lease is terminated by the owner or if it is breached by the tenant?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President. Senator, a leasehold lien can only be enforced against the tenant. If the lease is terminated and the landlord takes back possession, the lien is extinguished.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Berman.

SENATOR BERMAN:

Thank you very much, Senator Madigan. I'm pleased to support this bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, the question is, shall House Bill 1345 pass. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 58 voting Aye, none voting No, none voting Present. This bill, having

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

received the required constitutional majority, is hereby declared passed. With leave, we'll return to -- to House Bill 1347. House Bill 1373. Senator Sieben. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1373.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Sieben.

SENATOR SIEBEN:

Thank -- thank you, Madam President. This legislation amends the Criminal Code in the area of criminal trespass to land. The bill creates four enumerated offenses under the criminal offense of criminal trespass to real property. We've passed similar legislation in Senate Bill 827. I know of no opposition and ask for your Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, the question is, shall House Bill 1373 pass. Those in favor, vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 57 voting Aye, none -- 1 voting Nay, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. House Bill 1400. Senator Madigan. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1400.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

SENATOR MADIGAN:

Thank you, Madam President, Members of the Senate. House Bill 1400, as amended, amends the CHIP plan and it states that the Plan shall be administered by a plan administrator rather than an administrating -- administering carrier. We've added an amendment on this bill to delete the effective date. At this point in time, the CHIP Board and the CHIP administration do not feel this bill is necessary. We added the -- or, we deleted the effective date, so if we need to, this bill is positioned for conference.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, the question is, shall House Bill 1400 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Madam Secretary. On that question, there are 58 voting Aye, none voting Nay, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. With leave of the Senate, we'll return to 1457 later. House Bill 1485. Senator Bomke. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1485.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Bomke.

SENATOR BOMKE:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Amendment 1 becomes the bill. This is identical to Senate Bill 877 that we passed out of the Senate overwhelmingly a month ago. It amends the University of Illinois at Springfield law to provide that all degrees from Sangamon State University shall be degrees from University of Illinois at Springfield. Any

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

costs associated with the reissuance of diplomas must be borne by the person who requests reissuance.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, the question is, shall House Bill 1485 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record on that, Madam Secretary. On that question, there are 58 voting Aye, none voting No, none voting Present. This bill, having received the required constitutional majority, is hereby declared passed. House Bill 1493. Senator Rauschenberger. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1493.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Bill 1493, as amended, is the Department of Nuclear Safety's bill, which updates the registration process by which they will review X-ray machines at dentists, doctors, and chiropractic and hospitals. Originally it had some language in there that made the dentists uncomfortable. That was amended on the bill yesterday. It's now no longer a controversial bill. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, the question shall House Bill 1493 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting's open. Have all voted who wished? Have all voted who wished? Have all voted who wished?

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Take the record, Madam Secretary. On that question, there are 57 voting Aye, none voting No, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. House Bill 1513. Senator Clayborne. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1513.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Madam President. I will handle the first part of the bill and allow Senator O'Malley to handle the other part. Basically Senate Amendment 5 becomes the bill as it relates to allowing an automatic senior citizens -- homestead exemption. This bill is permissive and requires the county board to approve by resolution a process that should be developed by the assessor or township assessor. It's permissive and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President. And again, thanks -- thank you to Senator Clayborne. He very graciously allowed this amendment to his legislation that I will explain. Amendment No. 3 {sic} (4) deals with a concept called tax reimbursement fund for homestead property. What the legislation does that has -- is included in this amendment it -- it allows the concept to be expanded to not only cover homestead property, but to cover commercial and industrial property as well, and it does it with certain limitations. At least fifty percent of any monies declared as a

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

surplus by a local government placed in a tax reimbursement fund must go to homestead property. Additionally, no commercial or industrial parcels located within a TIF district would qualify for reimbursement. And I'd be happy to answer any questions there might be.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, the question is, shall House Bill 1513 pass. Those in favor, vote Aye. Those opposed will vote Nay. The -- the voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Madam Secretary. On that question, there are 57 voting Aye, none voting No, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. We'll seek leave to return to 1526. 1550. Senator Jones. Senator Jones? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1550.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jones.

SENATOR JONES:

Thank you, Madam President. House Bill 1550 creates a situation whereby if a vacancy occur and -- and an appointment is to be made, the person being appointed to fill that vacancy, be it the subcircuit or any other circuit, must be a resident of that circuit. That's all that the bill does, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, on that question, shall House Bill 1550 pass, those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

wished? Have all voted who wished? Have all voted who wished?
Take the record, Madam Secretary. On that question, there are 55
voting Aye, none voting No, none voting Present. And this bill,
having received the required constitutional majority, is hereby
declared passed. House Bill 1589. Senator Farley. Senator
Farley? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1589.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Farley.

SENATOR FARLEY:

Thank you, Madam President, Ladies and Gentlemen of the
Senate. What House Bill 1589 does is allows a chief judge of the
circuit court to designate in each county in the circuit at least
one judge to be reasonably available to issue orally, by
telephone, by facsimile, or otherwise, an emergency order of
protection at -- at all times whether the court is or is not in
session. If an emergency order of protection was issued when the
court was unavailable at the close of business, the order shall be
entered in the law enforcement automated data system as soon as
possible after receipt from the clerk. As I explained earlier
this morning, we satisfied a concern by the Administrative Office
of Illinois Courts by changing this to be permissive. That was
changing the word "shall" to "may," and we also satisfied the
Illinois Coalition Against Domestic Violence by taking out the
twenty-four-hour requirement and making it as soon as possible. I
would suggest, Madam President and Ladies and Gentlemen, this is a
good bill, and I would ask your favorable consideration.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, the question is, shall

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

House Bill 1589 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Madam Secretary. On that question, there are 58 voting Aye, none voting No, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. House Bill 1612. Out of the record. House Bill 1633. Senator Syverson. Out of the record. House Bill 1641. Senator O'Malley. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1641.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley.

SENATOR O'MALLEY:

Madam President and Members of the Senate, House Bill 1641, as amended, is the product of a few amendments. The first one authorizes the Water Reclamation District to transfer appropriations after three months into the fiscal year. And there are limitations on their ability to do it, including requiring a supermajority of the members of their board. Additionally, there's an authorization for the Cook County Sheriff to appoint two additional members to the Cook County Sheriff's Merit Board, now five members is what it consists of, and to do so with the advice and consent of the Cook County Board. Not more than fifty-one percent of the members of that Board -- of that Merit Board shall be of the same political party, and at least forty percent of the Board members shall constitute a quorum. It also changes the name of the Cook County Sheriff's chief executive from Executive Director to Director. I'd be happy to answer any questions there might be. And I would appreciate your support.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any -- any further discussion? Hearing none, the question is, shall House Bill 1641 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Madam Secretary. On that question, there are 57 voting Aye, none voting No, none voting Present. This bill, having received the required constitutional majority, is hereby declared passed. House Bill 1699. Senator Parker. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1699.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President and Ladies and Gentlemen of the Senate. This is an administration bill for Public Health. Also we are working with Public Health, as directed by the committee, in setting up a task force to look into immunizations and exactly what the procedures are, how the information is dispersed in the State of Illinois. The second thing is looking into an exemption for those people who have children who have either died or been damaged by vaccinations, to have an exemption so that they can determine for themselves if their children should be immunized in the future -- that are siblings. This is not as far as we would like to go. We would have liked to have gone further with looking into philosophical for other people, but we recognize and appreciate the committee's concern in going ahead with what we are. So we are working with Public Health. We expect this to come back on a conference committee report, and I would

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

respectfully request a favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senator, as you indicate in your remarks that you're looking into some of these things, and you indicate it's going to come back as a conference committee to -- to try to work on some of these, so for that reason, I'm willing to -- to give you that -- that leeway. One of the problems I have, however, and it's been brought to my attention since this bill first come around, is in your amendment, that precludes the child from immunization because the parents don't want him to have that. I think that undermines the whole system. I think that undermines the immunization system, and I think that's one that we should look at modifying, if we at all can.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker.

SENATOR PARKER:

I'm -- I'm sorry. Somebody was at my desk. I didn't understand, or hear, what you said. Could you please repeat it?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jacobs, repeat.

SENATOR JACOBS:

As I understand the bill, and correct me if I'm wrong, that if a parent decides to keep their child for religious reason or conscientious reasons from being immunized, is that in the bill?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker.

SENATOR PARKER:

No, that is not in the bill right now. All that is in the bill is the administrative procedures that the -- that Public

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Health had wanted. This has nothing to do with immunization now. We are looking to work with Public Health on something that we are both agreeing on and that is not in the bill now. That will be coming back on the conference committee report.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jacobs.

SENATOR JACOBS:

I appreciate those remarks, because we are starting to get some phone calls and we can now tell them to not worry about it at the present time, then. Correct?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker. Senator Parker.

SENATOR PARKER:

Yeah. There's nothing in the bill right now, but we will still be working with the Department, and I will let you know then what is in the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Rea.

SENATOR REA:

Yes, Madam President. I -- I feel that due to the importance of this and the -- we built immunization program over the years. It -- become pretty comprehensive and -- and I feel it's doing a pretty effective job, and because of this being as it is, I would suggest that instead of it coming back in a conference committee this coming week, which doesn't really give enough time for people to have a chance to have public hearings and to gather the proper information, I would much rather see this continue as a task force or to -- so there will be the hearings, there will be the proper information, but not try to really change the immunization program during this Session.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, the question is, shall

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

House Bill 1699 pass. Did you wish to close, Senator Parker?

SENATOR PARKER:

Let me clarify for the record, there is nothing in here in this bill right now that has to do with changing anything with immunizations. In committee there is -- there was agreement between Public Health and the people that we have been working with to look at two things, and Public Health agrees with this. One thing is to go ahead and conform a task force and we will be working with that within this coming week. The second is, is to look at giving the -- giving an immunization to those people who have had a child that has died or a child that has been hurt by vaccines, to give that exemption to a sibling. I have one woman that came in that testified that has had two children die because they have had an allergic reaction to DPT shots. And very often this can be a related thing in the family, and Public Health has agreed to work on this. So the only thing that we are looking at to do in the coming week is two things that Public Health has agreed that they would work on. Anything further is something that would be heard before a task force and heard in the coming months that everybody can have input on. Thank you. And I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 1699 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? On that question, take the record, Madam Secretary. There are 44 voting Aye, 10 voting No, 3 voting Present. This bill, having received the required constitutional majority, is hereby declared passed. 1705. Senator Cronin? Senator Cronin? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1705.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cronin.

SENATOR CRONIN:

Thank you. This is an administration bill, and there was an amendment put on that amends the Unemployment Insurance Act to provide for the creation of a directory of new hires in the Department of Employment Security. This bill, as I say, is an initiative of the -- of the Department of Public Aid and it's required by Section 321 of the Personal Responsibility and Work Opportunity Act. Failure to conform to the Act would mean the loss of federal funding. There's a conglomeration of issues in this bill. There are four specific points. Number one, this bill provides rules on determination of which child support order is the controlling order when more than one State has issued an order of support against an obligor for the same child. Two, specify that the obligor's employer must comply with a withholding order from another state, which is regular on its face and which expresses the amounts to be withheld as sums certain and as periodic payments. Three, provide that the law of the obligor's work -- work state -- state shall apply with respect to charging of employers' fees for processing withholding of income, determining limitation on amounts that can be withheld from an obligor's income, and establishing priorities if the employee has multiple support obligations. And then finally, it provides that if all parties reside in the same state, which is not the issuing state, a tribunal of that state has jurisdiction to enforce and/or modify the issuing state's support order. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, the question is, shall

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

House Bill 1705 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 58 voting Aye, none voting No, none voting Present. This bill, having received the required constitutional majority, is hereby declared passed. House Bill 1707. Senator Rauschenberger. Out of the record. 1735. Senator Trotter? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1735.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Trotter.

SENATOR TROTTER:

Thank you, Madam President, Members of the Senate. House Bill 1735 establishes a tool for municipalities to address the growing blight of brownfields in our communities, and it gives us the tool of the environmental lien. This bill authorizes municipalities to enter upon abandoned, tax delinquent and dangerous properties to inspect, test and to remediate hazardous environmental hazards. It has been negotiated, as amended, by the City of Chicago, Illinois Bankers' Association, the State Chamber of Commerce and the Illinois Manufacturers' Association, and I seek its passage.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, the question is, shall House Bill 1735 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Madam Secretary. On that question, there are 56 voting Aye, none voting Nay, 1 voting Present. This bill, having received the required constitutional majority, is hereby declared

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

passed. House Bill 1757. Senator Garcia. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1757.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Garcia.

SENATOR GARCIA:

Thank you, Madam President. Senate Amendment No. 3 becomes the bill, and it amends the Civil Administrative Code regarding job training and economic development. This can also be called work-centered welfare reform, and it arises out of some hearings that were chaired by Senator Lauzen. It's a very innovative program that seeks to link job training and economic development demonstration project. Essentially it calls on DCCA to establish and to administer twelve to twenty demonstration projects throughout the State of Illinois, and we think that this is a great model for getting people to go from welfare to work.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, the question is, shall House Bill 1757 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 58 voting Aye, none voting Nay, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. House Bill 1817. We'll seek leave to return to it. House Bill 1881. Senator Parker. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1881.

(Secretary reads title of bill)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Bill 1881 does several things. It's really a package to help with better care for our constituents. Number one, it amends the Insurance Code to provide for in-patient care following a mastectomy. The language creates a new Section which requires individual and group policies of health and accident insurance to cover in-patient care for a time following a mastectomy which is deemed necessary by a physician. It also contains House Bill 333, and that requires health plans offered under those Acts to cover mammograms annually for women aged forty and over. In addition, it amends the Insurance Code to provide for coverage of Pap tests and prostate-specific antigen tests. The language creates a new Section which requires group policies of health and accident insurance to cover certain cancer-screening tests. In addition, it amends the Insurance Code to provide for coverage of certain phases of treatment of a genetic disease known as PKU. The language creates a new Section which requires group policies of health and accident insurance to cover prescriptions and oral formulas used in the treatment of PKU. In addition, it provides coverage for naprapathic services, and they are subject to the jurisdiction of the Department of Insurance, and includes those services under the minimum benefits available under the Act. I would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

She indicates that she will.

SENATOR BERMAN:

The provisions in here regarding what we'd call drive-through mastectomies is not as strong as the bill that you and I have worked on before. Is this the final version? Do you expect this to be accepted on Concurrence in the House?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker.

SENATOR PARKER:

Senator, I would expect that this would be the final bill, as long as the House concurs.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman.

SENATOR BERMAN:

Well, that's what causes me some concern, because I think that the bills that you and I both introduced originally in this Body were much stronger. For example, we had protections regarding the influence of HMOs on your personal doctor that, for financial reasons, might choose to give you less than the kind of service that might otherwise be needed. And I think that you and I both undertook a responsibility to women in relation to mastectomies that just isn't reflected by this bill, and I'm -- I'm not happy with these provisions. I really would -- I'd rather see something much, much stronger to be addressed. And when you say that the House is going to concur, we're -- we're not doing what we -- what we held ourselves out as undertaking.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker.

SENATOR PARKER:

Senator, there was a lot of discussion and debate on this bill as far as looking as to whether we should make it forty-eight hours, ninety-six hours, et cetera. The final thing that was even

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

suggested by the Med Society was to make it at the discretion of the doctor. Particularly with mastectomies, there are many different kinds and lengths of stays can vary, different than going and -- and having a baby. The thing is that the managed care language - which, of course, we would prefer to have instituted at this time - is not in this bill; however, the Insurance Committee is working on that, and that will be part of a separate bill, where all the managed care language will be, that will effectuate this bill and others. And that is what the Insurance Committee would like to do, and we think that is the proper procedure.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

She indicates that she will.

SENATOR JACOBS:

Senator, I agree with just about everything that Senator Berman said about the watering down, but just as a matter of procedure, and maybe this is one, because you weren't in committee for this bill, that the -- the majority leader of -- the Insurance Committee Chairman could answer. There was a -- a move in here to where PKU had asked that they be taken out of the -- the bill because it was such a watered-down version, and -- and that was to be removed. Is there -- is there a change in that agreement? I guess that's the question, then I have a follow-up question.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker.

SENATOR PARKER:

My understanding, that they are -- the proponents of that are

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

divided on it; that they did come with some suggestion, but the amendment didn't really get filed until late - too late to really handle it right now on this particular piece of legislation, with this timing.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Jacobs.

SENATOR JACOBS:

Yeah. Just to the bill: In -- in addition to what Senator Berman said, the PKU portion, which is very, very minor as far as numbers and amount of -- dollars are concerned, also is very watered-down in this version. Hopefully, somewhere along the line in the House, they'd be able to give a little better interpretation to only seven hundred people or so that this involves in the State. And as it goes along, I hope that these provisions are strengthened.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Madam President. I, too, rise in support of this bill. As -- as it relates to the portion that contains the prostate cancer screening. Obviously, it's not exactly what -- what has been mentioned as -- that we want, but at least it's a start, and it has some of the language that will hopefully address some of the concerns of the health of our men. And I urge a favorable vote on this bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, the question shall -- do you wish to close?

SENATOR PARKER:

Thank you, Madam President. Thank you for your comments. I appreciate them. As far as the PKU, Senator Jacobs, we tried to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

do the best that we could in this time period to at least get something that would be helpful, particularly for the PKU, and compiling the best that we could with all of these procedures. And we think that this would be a good bill and I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

On that question, shall House Bill 1881 pass, those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Madam Secretary. On that question, there are 58 voting Aye, none voting Nay, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. House Bill 1887. Senator Karpel? We'll seek leave to return to that bill. House Bill 2059. Senator Parker. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2059.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President and Ladies and Gentlemen of the Senate. House Bill 2059 allows the Department of Human Services to enter into a contract with a statewide not-for-profit community development financial institution to establish the revolving loan program for the purpose -- for the purpose of assisting not-for-profit Illinois organizations that work in service partnerships with the State to maintain and improve their facilities. They can assist agencies that provide direct services, such as child care centers, mental health facilities, job training facilities, substance abuse treatment centers, and

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

battered women and homeless shelters. I'd be glad to answer any questions, and would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Madam President and Members of the Senate. I just wanted to state that in committee I voted Present on this bill, because the bill did not contain the provision for the RP -- REP {sic} (RFP) for contracts. As amended by the Senate Amendment No. 2, the bill now contains such a provision and I commend Senator Parker on the work that she has done to make this bill better than when it arrived from the House. And so I urge all of our friends here today to give us a favorable roll call on 2059. Thank you, dear.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

A question for the sponsor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

She indicates she will yield.

SENATOR LAUZEN:

Senator, can you tell me what the cost is of this proposal, what the initial deposit is going to be?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker.

SENATOR PARKER:

The appropriation is not in here. It really is up to the Appropriation Committee on what they would want to fund this at.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Lauzen.

SENATOR LAUZEN:

Could you give us a little more guidance on what will be

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

requested in the initial deposit and what the long-term plans are? I mean, this puts into place -- I mean, what's the next step? Where's the -- what will be the amount of money?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker.

SENATOR PARKER:

The request that they would like to have is four million dollars. It would be a one-time grant and they obviously make a lot more money out of that on the revolving loan fund that they are when they help the not-for-profits. But that is going to be up to the Appropriations Committee. This bill is permissive. It only establishes the opportunity and the Appropriations Committee is the one that makes the ultimate decision.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Lauzen.

SENATOR LAUZEN:

So just to comment on that and then just a final question, so we're proposing a program and then we're going to figure out later how to make that initial deposit or where that's going to come from. Some different group is going to determine that?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator -- Senator Parker.

SENATOR PARKER:

That is the way that we feel is appropriate and we always do that. It's contingent on funding and what the Appropriation Committee wants to do.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Lauzen.

SENATOR LAUZEN:

Just a final question. The -- I understand that this loan program goes to organizations that are ninety-four percent privately financed. And the question, naturally, is: With this

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

remaining six percent that represents perhaps a four-million-dollar additional investment or deposit by the State, why is the government then going to do the -- why is it getting into this business?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker.

SENATOR PARKER:

Senator, with all that we are doing now with welfare reform and the extra help, that we feel that we can use for these not-for-profit services, example as I had talked, for child care, for battered women, et cetera. And for these services, we think that the State now can have the opportunity to help these funds that have been very successful, help those not-for-profit agencies.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. Just a comment. I rise in strong support of this outstanding legislation. Want to commend Senator Parker, Senator Radogno and Senator Smith on working together on it. The Illinois Facilities Fund does an excellent job with not-for-profit organizations and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

She indicates that she will, Senator Fawell.

SENATOR FAWELL:

My understanding is this is for non-for-profit organizations like family shelters for battered women and -- and disabled people that are, perhaps, wheelchair-bound, that type of thing?

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker.

SENATOR PARKER:

Right. Or substance abuse treatment centers. Basically, for those types that you had mentioned, and not-for-profits, yes.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

To -- well, to the bill: I -- I happen to have all three of those particular organizations in my district and it is indeed difficult at times to -- to find proper funding. I have a program in Naperville, for instance, where half of it is devoted to people who have, for whatever reason, been bound to a wheelchair, and that particular program has an apartment building which has been built particularly to accommodate those people that are -- are in that wheelchair. There's -- there's some that have been injured in auto accidents. There's others that have cerebral palsy. There's others that have had strokes or -- or major health -- so that they are incapacitated. We know that there is a -- a very long waiting list for people to be able to get into this facility, and indeed, this group has been looking for a way to build more facilities that are similar so that we can get people out of nursing homes and into these facilities where they will be more independent. They have one individual, rather than several individuals, who can assist them with things like bathing and -- and that type of thing, instead of having one run around from one house to another. I think this is really very -- this is a -- a good program for the State. It certainly should pay for itself in a short period of -- of time, and I commend the sponsor on her bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Rauschenberger.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

SENATOR RAUSCHENBERGER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Currently I would -- question of the sponsor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

She indicates she'll yield.

SENATOR RAUSCHENBERGER:

Currently, this revolving program already exists with private money. Is that correct?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker.

SENATOR PARKER:

The facility does exist, yes.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I guess I would just, then, point out that any time you introduce government resources into a program like this and begin to -- to wrap the color of law or government around it, you begin to sometimes depress the participation of the private sector. And this, again, I think is another "slippery slope" bill. Does the sponsor feel there are other groups who have revolving funds that work like this who might be here next year saying, that "Well, you know, we would like to be considered as well"?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker.

SENATOR PARKER:

It's hard to predict who will be here next year. I can just tell you that right now this gives us an opportunity to update facilities that otherwise have very limited funds; it helps them expand their funds and a lot of these charitable not-for-profit organizations can have a better opportunity of serving people in need. And at this particular time, I think this is a good way to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

help them out.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I -- I would just ask the sponsor if -- if she thinks my count's right. I think I've counted so far eight special tariffs for telecommunications for different important groups to the State of Illinois when we did the first -- I mean, we all need to have bills next year, I understand, but maybe we could find ones that -- that weren't quite as expensive. So I'd -- I'd urge you to think real hard about whether this shouldn't wait for a -- a time in the future. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any -- any further discussion? Hearing none, the question is -- Senator Parker, did you wish to close, ma'am?

SENATOR PARKER:

Thank you, Madam President. I would just like to remind the Chamber that this sets up the opportunity. The funding and how much it will be funded will actually be done by the Appropriation Committee with the guidance of a wonderful State Senator, Senator Rauschenberger. So that will be ultimately their -- their consideration, decision.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Rather -- she has closed. The question is, shall House Bill 2059 pass. Those in favor will vote Aye. Those opposed will vote No. And the voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 46 voting Aye, 7 voting Nay, none voting Present. This bill, having received the required constitutional majority, is hereby declared passed. House Bill 2132. Senator Radogno. Madam Secretary, read the bill.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

ACTING SECRETARY HAWKER:

House Bill 2132.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Madam President. This bill creates the School Reporting of Drug Violations Act. It requires that local law enforcement officials be notified of any drug offenses that occur in schools. The bill specifies who needs to do the reporting and the times frames in which it needs to be done. Ask for your support.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, the question is, shall -- shall House Bill 2132 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 55 voting Aye, none -- 2 voting Nay, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. House Bill 2152. Senator Cullerton. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2152.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. House Bill 2152 is a bill designed to put more teeth into the current

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

discovery rules for custodial parents to aid them in their efforts to obtain owed monies from able but unwilling noncustodial parents. The ultimate purpose, of course, of the legislation is to ensure that children are not deprived of child support. It's intended to be a discovery tool to assist custodial parents against, as I said, these deadbeat non-custodial parents. The concept is borrowed partly from the Business Corporation Act and partly from the Uniform Fraudulent Transfer Act and is modeled to give a court discretion to make assets that are presently discover-protected discoverable by the courts. We did adopt an amendment at the request of the Land Title Association that had a technical problem with the bill as it passed the House. And I think it's an important bill. Would ask an Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, the question is, shall House Bill 2152 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 57 voting Aye, none voting Nay, none voting Present. This bill, having received the required constitutional majority, is -- is hereby declared passed.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm, on 2161. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2161.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. Senate -- or, excuse me. House Bill 2161 amends the Sanitary District (Act) of 1936. It

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

provides that before a sanitary district may annex unincorporated property, it must send a notice of record to all those of record holding parcels that are affected by that change. It also includes a prohibition that sanitary districts can sell or lease property after they've acquired it by condemnation, and it also allows the smaller sanitary districts to be able to charge a person who connects into the sanitary district and receive benefit a fee for doing that, but it does not force anybody to acquire that service or charge them a fee if they wish not to participate. There's no opposition. It's an agreed bill. I ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall House Bill 2161 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 6, none voting Present. House Bill 2161, having received the constitutional majority, is declared passed. Senator Rauschenberger, on 2164. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2164.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I appreciate leave of the Body. This is actually Senator Mahar's bill and he's participating right now in electrifying discussions. So he's not available to do this. But -- but this is -- this is a wonderful agreed bill. It amends the Environmental Protection Act. Designates hazardous fluorescent and high intensity

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

discharge lamps as a category of universal waste. Creates the -- it also creates the Drycleaner Environmental Response Trust Fund Act and modifies the definition of "special waste." This is a bill that has worked very diligently through the process. It's got very broad-based support and I'd appreciate you pretending Bill was presenting the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR CULLERTON:

Senator, specifically with the fluorescent lamps, what is the effect of this -- this change? We did pass a bill yesterday -- or, yesterday -- last year with regard to the recycling of fluorescent bulbs and I wondered if you could tell me what this particular change does.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

This bill takes care of the changes to the federal EPA rules that have just been passed allowing for recategorization of these lamps for disposal, designated as a category of universal waste subject to the Illinois Streamlined Hazardous Waste Rules, it's now a -- we can move it to a different section of the IEPA rules. It's fairly technical.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall House Bill 2164 pass. Those in favor, vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

55, the Nays are none, none voting Present. House Bill 2164, having received the constitutional majority, is declared passed. Is there leave to come back to 2171? Leave is granted. Senator O'Malley, on 2211. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2211.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2211 amends numerous Sections of the Sales Finance Agency Act and other Acts. It is the initiative of a task force that had worked on this -- on the various amendments to these Acts that was instituted by the Department of Financial Institutions. When we heard this in committee for the first time, there were a number of issues that were raised that resulted in the amendment that was offered and put on the bill earlier today. And that -- that particular -- that particular portion of the bill reinstates the right of class actions and the right of a successful consumer who sues for violations of these Acts to attorney's fees and costs. It also deletes the right of lender contracts to require arbitration before the consumer can seek judicial redress. It reinstates the requirement the Consumer Installment Loan Act licensee maintain an attorney in fact for accepting the service of process. It reinstates the formula for figuring daily interest, from the bills originally as crafted, for one -- or, on the basis of a three-hundred-and-sixty-day year to the existing three-hundred-and-sixty-five-day-year computation. It -- and it reinstates existing language in the Retail Installment Sales Act that the seller may not accelerate the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

maturity date of an account until the account has been in default for a least thirty days. The original bill completely deleted the grace period, I might add. So with the work that was done by staff on both sides of the aisle and many of the people who showed a great deal of interest in the legislation over the last week, there was a tremendous step forward with the amendment that we see before us today. Again, the underlying legislation is the initiative of the Department of Financial Institutions. I request your support, but I certainly am available to answer any questions you may have.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall House Bill 2111 {sic} (2211) pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, 3 voting Present. House Bill 2111 -- 2211, excuse me, having received the constitutional majority, is declared passed.

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR WEAVER)

...Dillard, on 2215. Read that bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2215.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Last, but not least, on the Order of House Bills 3rd Reading Reading is House Bill 2215 which permits a pawnbroker to maintain their records in computer format, and it also, importantly for law enforcement purposes, requires pawn property to be held by a pawnbroker for seventy-two hours, rather than twenty-four hours. I'd be happy to answer any questions and appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall House Bill 2215 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Yeas, no Nays, none voting Present. House Bill 2215, having received the constitutional majority, is declared passed. We temporarily have Members off the Floor that have been granted leave to go back to, but in the meantime, we can go to the Order of Concurrences, on page 16. For the purpose of nonconcur only. You'll find them in bold print on your Calendar, beginning on page 16. Senator Klemm, you've made a -- offered a motion of nonconcurrency with House Amendment No. 1. Madam Secretary, on the Order of Non-concurrence, read the bill number and the House amendments. House {sic} Bill 469.

ACTING SECRETARY HAWKER:

I move to nonconcur with the House in the adoption of their Amendment No. 1 to Senate Bill 469.

Offered by Senator Klemm.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm moves to nonconcur in House Amendments No. 1 to Senate Bill 469. All those in favor, say Aye. Opposed, Nay. The

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Ayes have it. The motion carries, and the Secretary shall so inform the House. For what purpose does Senator O'Malley arise?

SENATOR O'MALLEY:

Mr. President, I move to nonconcur with House Amendment -- No. 1 to Senate Bill 680.

PRESIDING OFFICER: (SENATOR WEAVER)

Madam Secretary, would you read...

ACTING SECRETARY HAWKER:

I move to nonconcur with the House in the adoption of their Amendment No. 1 to Senate Bill 680.

Offered by Senator O'Malley.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley has moved to nonconcur in Senate Amendment -- House Amendment No. 1 to Senate Bill 680. Is there any discussion? Seeing none, all in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Senator Lauzen, on Senate Bill 806. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to nonconcur with the House in the adoption of their Amendment No. 1 to Senate Bill 806.

Offered by Senator Lauzen.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen moves to nonconcur with House Amendment No. 1 on Senate Bill 806. Is there any discussion? Seeing none, all -- all those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Madam Secretary, on the Order of Non-concurrence, a motion's been filed, on page 20. Senator Rauschenberger. Senate Bill 1229 -- 1129. Excuse me.

ACTING SECRETARY HAWKER:

I move to...

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

PRESIDING OFFICER: (SENATOR WEAVER)

Madam Secretary.

ACTING SECRETARY HAWKER:

I move to nonconcur with the House in the adoption of their Amendment No. 1 to Senate Bill 1129.

Offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger has moved to nonconcur with House Amendment 1 on Senate Bill 1129. Is there discussion? If not, all those in favor, say Aye. Opposed, Nay. The motion carries. The Secretary shall so inform the House. On 1131, Senator Rauschenberger? Madam Secretary.

ACTING SECRETARY HAWKER:

I move to nonconcur with the House in the adoption of their Amendment No. 1 to Senate Bill 1131.

Offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? Senator Rauschenberger moves to nonconcur in House Amendment No. 1 on Senate Bill 1131. Is there discussion? If not, those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. On Senate Bill 1132, Senator Rauschenberger. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to nonconcur with the House in the adoption of their Amendment No. 1 to Senate Bill 1132.

Offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there -- is there discussion? If not, Senator Rauschenberger moves to nonconcur with House Amendment No. 1 on Senate Bill 1132. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries and the Secretary shall so

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

inform the House. ...back to the Order of House Bills on 3rd Reading. On page 3 is House Bill 131. Page 2. Excuse me. Mr. Secretary, read the bill.

SECRETARY HARRY:

House -- House Bill 131.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 131 unamended - not amended - amends the Public Aid Code increasing the maximum public aid payments for funeral and burial expenses. Last year, when we did our rate relief for providers across the State and permitted a three-percent increase in the rates we pay to providers, funeral homes and funeral directors were in violation of a statutory limit on how much we could pay for indigent funerals and the indigent burials. JCAR recommended that we adjust the Statute to reflect our legislative action last year. There is no fiscal impact. If anyone's received calls about an amendment to 131, that amendment was held in committee this morning. So this is 131 unamended. It simply permits the three-percent COLA to the funeral directors that deal with indigent funerals and burials. I'd appreciate favorable consideration.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Walsh.

SENATOR T. WALSH:

Senator Rauschenberger, you said there is no fiscal impact on this?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

SENATOR RAUSCHENBERGER:

Senator Walsh, last year when we did the three-percent COLAs for all providers, we funded this adjustment to the -- to the funeral directors, but because they have a statutory limit set in the books, we -- JCAR advised us that we needed to change the Statute, or in essence, we were paying them their three-percent COLA against our own law. So the money was -- has already been budgeted and expended, so there -- there's no additional fiscal impact.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Walsh.

SENATOR T. WALSH:

Now, did -- is this COLA going to continue for -- I mean, is -- will -- will that be in there for ever and ever? I mean, is this..

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Walsh, yes. For some reason, in the -- in the distant past somewhere, the General Assembly thought it was wise to establish burial and funeral expense limits by Statute, rather than doing it by rule, as we do with almost every other service that we purchase. Yes, this -- this three-percent ceiling permits us to pay them their rate, plus three percent; however, each year in appropriations you could pay them anything you wanted, as long as it's under the cap.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Walsh.

SENATOR T. WALSH:

I guess I -- Okay. See, I've -- I've heard from different funeral directors, and, I mean, this doesn't even come close to what the -- what the cost of a -- a funeral is. I thought if

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

we're going to increase it, maybe we ought to try to bring it up to the level of at least the costs for the -- for the directors.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Walsh, you're absolutely right. Unfortunately, this was a House bill, and it came over strictly based on -- on JCAR's recommendation, but I -- I really agree with you. We -- we have not adjusted that amount in a long time. Most funeral homes and funeral directors are -- you know, are forced to cross-subsidize the work they do for us, and it's very important work. It's just too bad that we're at this point of Session. If I would have been paying more attention, maybe we could have worked together on something.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? If not, the question is, shall House Bill 131 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, 1 voting Present. House Bill 131, having received the constitutional majority, is declared passed. Senator Dudycz, on 172? Do you wish to recall this? Read the bill.

SECRETARY HARRY:

House Bill 172.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. House Bill 172 increases the penalty for transmitting a false report to a peace officer to a Class 4 felony. As amendment -- or, an amendment was added to it

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

having three parts. The first part expanded the prohibitions against making false reports by changing disorderly conduct Statutes and the 9-1-1 Statute, making them consistent. Further makes it a penalty for causing a false report to be transmitted, rather than transmitting a report, and adds protection for public safety agencies; for example, Natural Disaster Relief Fund. A first offense for making a false 9-1-1 report is a Class A misdemeanor; the second and subsequent is a Class 4 felony. It also adds reports of future or present crimes to peace officers to the Statutes, as opposed to prohibiting only reporting of crimes that have already been committed. It increases penalties for requesting a policeman or ambulance to a Class 4 felony for their first offense. The second part of the amendment is -- of the amendment that was added is in response to a recent Illinois Supreme Court case striking down the use of no-knock search warrants. This part of the amendment permits the court to issue such a warrant if the applicant for warrant shows that a weapon would be used against the officer or another, or if there is imminent danger to or evidence destruction. Language -- the final part of the amendment addresses a problem with the commencement of adjudicatory hearings for abused, neglected or dependent minors. The bill requires a hearing to be commenced within the same ninety days as before, but admits a court to delay the hearing if necessary to ensure a fair hearing. And I would move...

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Shaw.

SENATOR SHAW:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR SHAW:

Senator Dudycz, would -- could you -- how does this bill -

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

this no-knock provision in this bill - conform with the State of Wisconsin versus Richards?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDYCZ:

I've been informed that it is drafted to be slightly more narrow but to be consistent with that court ruling.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shaw.

SENATOR SHAW:

Let me ask you, under what circumstances you, as a policeman, can come to my home and just knock the door down?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDYCZ:

Senator, if I wish to knock down your door, I would have to get approval from a judge.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shaw.

SENATOR SHAW:

Okay. What -- what -- what method would you use to get that? Is that by way of informants or -- or visual contact or your own individual visual contact or by some informant?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDYCZ:

Well, it would be conforming to current law that would allow me to go before the judge to seek that -- that warrant, Senator. And as far as going through your door, it depends how many locks you have on it or -- and how strong your -- your hinges are.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shaw.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

SENATOR SHAW:

What I'm -- if you have made visual observation, what I'm getting at here, would you need a warrant at that time? Would you need -- still need to go and get a warrant if you've made visual observation that some kind of drug or -- drugs or cannabis was being sold at that -- on those premises?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDY CZ:

That's correct, Senator.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shaw.

SENATOR SHAW:

I don't want to prolong this, but -- but I read the -- the case -- the Wisconsin case yesterday and I'm not certain that this is -- that this is drafted as the court ruling was; it -- it seems as though to me that a informant could give you some information, could be angry at me, give you some information that I'm selling drugs at this particular location, my home. And that would authorize -- you take that informant, go before a judge. That informant swore that drugs -- that I'm selling drugs there, and that it would give the judge or you reason to -- to get the warrant, whether you had seen it or not. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDY CZ:

Senator Shaw, you still have to conform to current -- to current Statutes and to be complying with -- exactly the way we currently do to get a warrant. I have been -- I'll tell you what, Senator. Since this is going into the House, I think that we can address that if we have to change it, when it goes to the other -- into the House of Representatives.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle. Senator Shaw?

SENATOR SHAW:

Thank you, Mr. President. That's a good suggestion, and certainly, I know what your intent is in terms of dealing with the drug situation, and I'm not trying to impede that effort because I feel the same as you feel about drugs and people selling drugs and dispensing drugs out of the -- out of their home. But I just wanted to make sure and I'd like to make sure that the average citizen's right is protected here, where that we don't give the -- the police department a blanket warrant to go in and just tear down somebody's door because somebody gave them some information that they was going to be selling drugs. But I wish you would take a further look at this, and I -- and I would hope that you would read that decision, that court decision, of Wisconsin and maybe you could get some new insight in terms of the way this language is written. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senator Dudycz, I have the same concerns as Senator Shaw just expressed, but in addition to that, the 9-1-1 provision, I think, is -- is a problem as well. We are now, under this bill, making a false alarm or complaint a Class A misdemeanor. So, we're essentially doubling the fine, the penalty? Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDYCZ:

That's correct.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del valle.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

SENATOR DEL VALLE:

As a police officer, you certainly know that in the City of Chicago, calls to 9-1-1 are responded on a priority basis. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDY CZ:

That's correct. Senator..

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle.

SENATOR DEL VALLE:

Well, everyone knows in Chicago, particularly in certain neighborhoods, that in order to get a response, a quick response, to a 9-1-1 call, you have to, in some cases, exaggerate in order to get the police to respond. There is a real problem with a quick response. I've heard tapes of -- of dispatchers questioning the 9-1-1 caller when the caller makes repeated calls, questioning in an attempt to determine the seriousness of -- of the call. Now, if a person being questioned exaggerates for the purpose of getting a response because they're frustrated by the fact that they've had to call 9-1-1 four times, does that mean that that person then can be found to be -- have made a false call...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDY CZ:

Well, Senator, currently if someone were to -- and we're not talking about exaggerating; we're talking about claiming that there is an emergency. Currently, if someone is claiming that there is a fire emergency in their home, that there's a fire or if there's an inhalator or if there's a person that needs medical assistance and they dial 9-1-1 and it is found to be a -- a false report, that is -- that is a felony at the second offense. First

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

-- first offense is a misdemeanor. What this language is doing -- currently, you could make ten or fifteen calls of a 9-1-1 nature to law enforcement and currently they remain misdemeanors. What this will do is bring the standards up to be equal. Whether you are calling for an emergency -- for a fire emergency or a police emergency, they would be consistent now, under this language.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle.

SENATOR DEL VALLE:

Well, this -- this bill says that transmitting -- if transmits or causes to be transmitted. So in other words, it could be the person making the call or someone who asks someone to make a call. Transmits a false report to any public safety agency without reasonable grounds necessary to believe that transmitting such a report is necessary for the safety and welfare. Now, who determines what is reasonable grounds? If I see a strange person out in front of my house and I see that that person seems to have -- may have a weapon in their pocket and I call and I say, "There's a person who may have a gun in front of my house, please come out," I mean, do I get charged with filing a false report when the police comes and finds that that person was -- did not have a weapon?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDYCZ:

The answer is absolutely not, Senator. And this is not -- we're not dealing with someone who sees something that may be of an emergency nature and they dial 9-1-1. We're talking about somebody who intentionally calls 9-1-1, knowing that there is no emergency. When the police officer is responding to this 9-1-1, they are going through red lights and they are exceeding the speed limit to get to the victim's home to assist them. Now, if this

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

person is -- is called -- calling 9-1-1 for a -- a ridiculous reason or for a nonemergency reason, not that there may be -- there may be an emergency. The dispatcher gives that announcement to the -- to the police officer. They are aware that there is a suspicious person. That may be of an -- may be of an emergency nature. They use necessary caution to get there. But if there is a call of a -- of a man shot or a rape in progress, those police officers are going to be rushing to that scene as soon -- as fast as they can, disobeying lights, exceeding the speed limit to get there. If they find out that someone's involved in there because someone's was involved in a minor dispute or someone was upset over some nonemergency nature, that's when they can be prosecuted.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will.

SENATOR HENDON:

Senator Dudycz, on the 9-1-1, who determines whether that was a minor incident or not? Sometimes you can have a scuffle in the family and if the police don't come right away, then it escalates into a murder.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDYCZ:

If you call the police -- if you call 9-1-1 because there is a minor scuffle, that is not of -- emergency nature. If it escalates in -- as many cases it does happen, a domestic disturbance. There may be a shouting match of neighbors or some people having a minor domestic dispute and many times escalates where someone is injured and there is someone's physical safety at

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

-- at -- being harmed, then that escalates into an emergency and the police officer is dispatched immediately there. But if someone is -- is -- is being harassed or has -- has had his car stolen or something, that is not a nature -- a crime that would require the police officer to be going through red lights and exceeding the speed limit to get there right away.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

Well, I'm very sensitive to -- to having the officers flying to a scene, but -- and if I could briefly, 'cause I'm going to be very brief, Mr. President. I do need to have everybody's attention 'cause this is very important. If you feel you're in a situation of danger, you should be able to call 9-1-1 without fear that you're going to get charged with a crime because if you wait - under your scenario, now the person is shot or dead and then you want to call 9-1-1. It makes no sense, my friend. People should not be afraid to call 9-1-1. You need to hear this, Ladies and Gentlemen of the Senate, because if this passes, in communities like mine where people already have trouble with 9-1-1 and have problems with getting 9-1-1, now if it gets out that if you call 9-1-1 and the police determine that it was not a true emergency, then you're dead. If you're a single woman and you have somebody lurking around your apartment window intending to rape you, you should not have to wait until that person has taken their private part out of your body to call 9-1-1. When you see that person and they're around your apartment and it's clear that that person is menacing you, you should be able to call 9-1-1 and get help without fear of getting three years in jail. Three years in jail, ten-thousand-dollar fine. That -- that is, we really need to take a look at that portion. Now on the no-knock real quick, and I'll be finished. No-knock is very, very dangerous, and it's not just

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

dealing with drugs, Ladies and Gentlemen of this Chamber. If the State's Attorney of Chicago, who happens to be a Democrat, determines that we need -- he needs to go into the Republican Headquarters because he thinks there's a violation of the law and he convinces a judge, who might also happen to be a Democrat, that they're going to shred evidence like in Watergate - or -- or what is the current one going on? - wouldn't that qualify for no-knock? It doesn't have to be drugs. It's destroying any evidence. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Have you concluded, Senator Hendon? Senator Hendon, have you finished?

SENATOR HENDON:

Well, I -- that is a question, because as I read the legislation it says that the law enforcement can go to the judge and get a warrant to no-knock if there is evidence that the officers might be harmed or destruction of evidence. And you better be very clear about destruction of evidence because that could be shredding of documents. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDYCZ:

The answer is yes.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

In my close, I want you to really think about what Walter just said. He said the answer is yes. So any overzealous -- not that all of them are, but anyone, even for political reasons, who has one of you as a target, who decides, "Well, we need to go into somebody's office," and they can convince a judge, who may happen to be of the same party or a friend or whatever, that you're going

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

to destroy evidence - that's not drop drugs; that's any kind of evidence - shredding documents or anything, they could get a no-knock and come into your office or your apartment or your home or the Republican Headquarters or the Democratic Headquarters in -- in -- in case of a Republican State's attorney. Now, the danger also is when the officers come in without uniform and they don't knock and - the bill also says - do not identify themselves as the police, what's going to stop you from shooting? The average person, if somebody kicks their door in and does not say "We are the police," I believe they have a right to defend their household, because in my neighborhood, people will come in your house, rape your wife, kidnap your kids and steal everything. So if somebody kicks my door in and does not knock and say they are the police, I have a right to defend my home. So does every law-abiding person in the State of Illinois. And if you agree with that concept, that you have a right to defend your home, the police should at least be responsible to knock on that door and say "We're the police." And it's not just a gun as a weapon. A bat can be weapon. A golf club can be weapon. A kitchen knife can be a weapon. Be very, very careful about voting for this legislation, because it could happen to you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I rise in support of House Bill 172, and just a couple of things, in response. As to the 9-1-1, the nature of the offense is not being expanded. As a matter of fact, there's some latitude given in regard to the provisions on 9-1-1 because whereas formerly you would be reporting that a crime had been committed, now you're also allowed to report that a crime is in process. Otherwise, there's no change in the nature of that offense. As to the no-knock provisions, we've had no-knock. We

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

have passed the no-knock, these same no-knock provisions before by this Body. All we're doing -- we're keeping the same requirements that you go and get a warrant and all of the things that we've always had to do, but the standard of the kind of proof that you have to present to the judge is expanded, and it's done so to be in compliance with the United States Supreme Court decision arising out of the Wisconsin case. I think it's a good bill and we all ought to vote for it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shaw, for a second time.

SENATOR SHAW:

Yeah. I just wanted to ask one other question of the sponsor. On the -- on the 9-1-1, in many communities in Chicago, because of the -- probably because of the nature of the calls that you are getting, if a lot -- an awful lot of citizens will call up and say that a policeman seemed to be in trouble and that gets -- gets a quick respond from the police department to come and help another, even though when they get there, they find that it's the citizen or some other individual being attacked. What is the penalty on that person for saying that a police -- for calling saying a policeman need help? Would that person be subject to falsifying a report? Would he be subject to -- he or she be subject to this...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDYCZ:

Well, Senator, I -- I don't know of any case where if some citizen is being attacked, that someone would call and say that it's a police officer who's being attacked and they would be prosecuted. If the citizen is being attacked, if a police officer is being attacked, if anyone is being -- is being menaced and there is a 9-1-1 emergency, they call 9-1-1, the police department dispatches up a squad car to get over there as soon as possible to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

-- to -- to afford aid and help -- assistance to the person who needs help. Now, I guess the 9-1-1, the-police-officer-needs-assistance call that you're referring to is that -- that someone would be -- would be charged with this offense is if there is a domestic dispute, if there is a fight between two brothers, if someone stole somebody's bicycle, if you have a -- a minor incident or -- or just a verbal altercation where someone may call and say there is a police officer that needs assistance, he is getting beat up by somebody or a man got shot or a woman is being raped. That causes the police officers to go out there, risk their lives and risk others' lives to get there, to -- to give assistance to that citizen. If -- and the -- and the whole -- the whole subject here is -- is the knowledge. If someone is calling because they think someone is being menaced, Senator Hendon, or if there -- if they think that someone is being attacked, Senator Shaw, or if they believe that they're being -- their house is being broken into, or if they see a strange person that is attacking someone or they believe is about to attack someone, that is a valid excuse. We're talking about someone who knowingly, willfully goes out there, knowing that there is no emergency, calls that rape in progress, calls that 10-1 or calls that -- that robbery or -- or homicide, which causes law enforcement to go out there and -- and to put other people in harm.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shaw.

SENATOR SHAW:

Yeah. I'm sorry. But the only question that I wanted you to answer is if I make the call that a policeman - the 10-1 you're talking about - need assistance and when you get there, even though it's some other incident taking place, would I be subject to this provision of this bill, in terms of a -- a Class A or --

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

whatever the Class is, misdemeanor?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR SHAW:

Would I be subject. That's what I...

SENATOR DUDYCZ:

Yes, but I don't know of any State's attorney that would -- if there is an emergency, whether it is a 10-1 report or -- and that -- in fact, happens to be a nonpolice officer that needs assistance, I don't know of anyone out there that would -- would prosecute the person who called. You're -- you're absolutely correct, Senator Shaw. If somebody says there's a 10-1 and there's a police officer that is shot and the police come to the scene, they find out there's an average citizen that's shot, that does not negate the fact that a -- a 9-1-1 call was there and it was legitimate.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? If not, the question is, shall House Bill 172 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 43, the Nays are 9, 3 voting Present, 4 not voting. House Bill 172, having received the constitutional majority, is declared passed. Senator Maitland, on House Bill 260. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 260.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

House Bill -- House Bill 260 does a number of things. With the decrease in the number of -- of landfills statewide, there are an ever-increasing number of transfer stations around -- around the State. And if you -- if we -- if we understand what the solid waste plan that we passed -- Solid Waste Act plan that we passed a number of years ago does, it is -- it will allow for the collection of tipping fees that are to be used for counties - and that's plural, "counties" - attempt to invoke their own solid waste management plan. And fewer and fewer counties are being able to participate because they don't have solid waste landfills and so there's no tipping fee. This bill, again as I said, does a number of things. First of all, the -- the amended bill expands the authorized use of the tipping fee funds to include any other environmental-related purpose, including but not limited to an environmental -- environment-related public works project, but not for the construction of a new pollution control facility. This is language that was suggested in DuPage County. The bill also authorizes units of local government in which a solid waste transfer station is located to impose a tipping fee. A unit of local government who controlled this in which a landfill is located will still be able to charge a tipping fee; however, the total fee charged is not to exceed the current sixty cents per cubic yard or dollar twenty-seven per -- per ton charge. A fee imposed upon the transfer of waste may be imposed on the transfer of waste from one transfer station to a landfill of disposal. I would not represent this bill as anything other than having some individuals who are for it and some are against it. I believe it -- it moves us or moves many of these counties in the direction of being able to collect a tipping fee to be able to put in place their own solid waste management plan. Mr. President, I would seek support of the Body and would be happy to answer any questions.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

Yes. Thank you very much. When we imposed that initial tipping fee, the idea was to take care of counties that had landfills and they were supposed to be able to plan their futures, and -- and that's what they did. Now, instead of allowing those counties that have the transfer stations to also charge a fee, we're just splitting on a forty-six percent, fifty-two based -- fifty-percent percent basis the tipping fee we imposed several years ago. It would seem to me that those counties should be allowed to impose their own fees and that since they are double-handling the waste through the transfer station, they should be able to impose their own fee at that point. You know, the Chamber of Commerce is opposed to this, and I'm -- some of these other opponents I'm rarely on the same side of: Waste Management, Browning Ferris. I'm usually on the other side of them, but it seems to me that what we're doing is we're penalizing those counties that have the landfills and are permanently going to be the repositories of this waste in favor of those that are just transitorily in charge of the waste as it goes from a transfer station on down. So I think this is a good one to vote No on. I think that the local transfer stations would have the ability to impose local fees so they can handle their own waste. Much of this is sent to those of us downstate. I know there are some downstate areas that -- that do well with this but not very many of them, and that's one of the reasons the Chamber of Commerce is opposed. I think this is one that should go back to the drawing board. I think that the current situation is a good one. There are remedies for the transfer stations by having local surcharges added. So I would urge a No vote.

PRESIDING OFFICER: (SENATOR WEAVER)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR GEO-KARIS:

Senator Maitland, was the amendment put on that Lake County requested?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Maitland.

SENATOR MAITLAND:

Yes, Senator Geo-Karis, it -- it was.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

SENATOR PETKA:

Thank you very much. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

Excuse me, Senator Petka. Sponsor will yield. Yes.

SENATOR PETKA:

Thank you. Senator, does this particular piece of legislation address any issue that -- or any concern from your particular Senate district?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

I -- Mr. President, I'm sorry. Senator Petka, I didn't -- I didn't hear your question. I'm sorry.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Thank you. Does this piece of legislation, with the Senate amendment, address a concern within your particular constituent or

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Senate district?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Senator Petka, we no longer have a landfill in McLean County. We have a transfer station, so I, along with many others, would benefit, yes, sir.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Senator, I've received a significant amount of correspondence from people throughout my county - my county board, my county executive - that this piece of legislation will negatively impact the County of Will. In fact, I believe that we're -- the information I have is that it will -- we will lose at least sixty thousand and perhaps one hundred twenty-two thousand dollars of -- of revenue. My question, sir, is that if it is necessary from this legislation to permit another entity to -- to be the recipient for these revenues, why is it necessary to -- to, basically, take that monies away from counties or -- that already have a very good solid waste plan in existence and in which they're using these fees to further advance the ends of that solid waste plan?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

First of all, Senator Petka, and I'm not -- I'm not privileged to have the numbers that you have. The numbers that -- that I have, since -- for Will County - and I assume that's the county we are talking about - you do have two transfer stations and the numbers I show - and, again, I -- I don't -- I have to trust the figures to be accurate, and I trust you figure that you -- you

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

assume that your numbers are accurate - but the net impact to Will County would be twenty thousand dollars, because you do have transfer -- transfer stations there. And I -- I'm sorry, I forgot the other part of your question.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

I'll just go to a different area. In fact, I'd like just to speak briefly to the bill. We have a piece of legislation in which I have -- basically I join with my colleague from the other side of the aisle, Senator Welch, which is rather infrequent that I agree with him, but on this particular issue I do believe that it is not in the best interests of the people of this State and certainly the people that I represent to -- to basically go forward with a concept like this. I don't believe that there has been any need demonstrated to do this. And I do believe that it is punishing people who took the State at its word in setting up a solid waste management plan and having a revenue stream, and I would urge its defeat.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Tom Walsh.

SENATOR T. WALSH:

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

PRESIDING OFFICER: (SENATOR WATSON)

Previous question has been moved. We have three remaining speakers. Senator Burzynski, Radogno and Viverito. Senator Radogno is next.

SENATOR RADOGNO:

Thank you. I'm a strong supporter of this piece of legislation. I think it provides for a more equitable distribution of funds that were originally intended for solid waste planning purposes. And it seems to me that since the time

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

this original legislation was enacted, conditions have changed in that we now have a concentration of where the landfills are. So the current system provides for a windfall for those counties that happen to have a landfill. By using the transfer station as the point of distribution, I think that we continue to fund the purpose of this fee originally, for solid waste planning activities. There are some solid waste planning agencies that will go out of business, frankly, if we're not able to pass this. And I certainly would be open in the future to looking at ways to even distribute this more equitably. I don't think our work in terms of solid waste planning has been completed by any means. So I would urge a Yes vote on this.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Viverito.

SENATOR VIVERITO:

Thank you, Mr. President. I, too, rise in favor of this legislation. I think it will be an opportunity to give some relief to the townships, as well as the municipalities, that are -- where they do have these transfer stations, which is sometimes very difficult for them. And I wish that all would give some consideration to supporting this bill. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Just a couple of questions. I'm a little bit confused. I've been receiving correspondence... Yeah, what else is new? I've been receiving correspondence from my -- a couple of counties that I have in my district that have landfills, and they

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

have requested a No vote on this bill. However, when I see this, that offers "support House Bill 260, as amended," they're both listed on here as -- as benefitting from this bill. One of the counties indicated that their tipping fees could decrease by as much as forty-eight percent under this legislation, and yet they're listed on this list. And I -- I'm kind of confused, if there's erroneous information being presented - not by you, Senator, - but, I mean, by -- by someone, whether it's -- it's a lack of understanding, I don't know. So I -- I have some confusion. I don't know whether you can address that or not.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Senator, I -- I guess I don't know exactly your specific case, but -- but the answer is yes, there could be a -- this is -- first of all, this is a -- there could be a host agreement involved here, there could be a number of things involved here. Without knowing the specific case, I'm not sure. But -- in answer to your question, yes, it is possible.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. To the bill, then. I -- I have some concerns for -- for my area. We're in a situation where we're beginning to -- to get everybody else's landfill waste, et cetera, from other counties, neighboring counties beside us, and to -- for me to vote to take away the opportunities that our county has to establish tipping fees, to continue to collect those at the rate that they are now, I can't support this legislation. I would ask for a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Walsh, there would have been a previous question

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

motion, and we accepted that. So, Senator Maitland, to close. ...there's been, I guess, some confusion. This bill should have been asked to seek leave to go back to the Order of 2nd Reading for the purpose of an amendment. I understand an amendment has been offered. Does the Body concur with that leave? Leave is granted. On the Order of 2nd Reading is House Bill 260. Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Mr. President, I move for the adoption of Floor Amendment No. 2 to House Bill 260.

PRESIDING OFFICER: (SENATOR WATSON)

Maybe you ought to explain it.

SENATOR MAITLAND:

We -- we have been, Senator, for the last fifteen minutes, yes.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Is there any discussion? Any discussion? A roll call has been asked for. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. There are 28 voting Yes, 29 voting No, and the amendment fails. Any further Floor amendments, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Maitland.

SENATOR MAITLAND:

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

I request verification of the negative votes, please.

PRESIDING OFFICER: (SENATOR WATSON)

A verification has been requested. I would suggest all Members be in their seats. ...reminder. It only takes a majority of those voting to adopt the amendment. Mr. Secretary, would you please read the affirmative. I beg your pardon. The negative, yes. The negative votes.

SECRETARY HARRY:

The following voted in the negative: Bowles, Burzynski, Clayborne, Cullerton, Demuzio, Fawell, Fitzgerald, Geo-Karis, Halvorson, Hawkinson, Hendon, Jacobs, Jones, Lauzen, Luechtefeld, Myers, O'Daniel, O'Malley, Parker, Petka, Rauschenberger, Rea, Shadid, Sieben, Smith, Syverson, Trotter, Larry Walsh, and Welch.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland, do you question the presence of any Senator?

SENATOR MAITLAND:

Senator Clayborne.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Clayborne is in the back of the room.

SENATOR MAITLAND:

Senator Cullerton.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton? Senator Cullerton. Strike his name.

SENATOR MAITLAND:

Senator Trotter.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter? Senator Trotter.

SENATOR MAITLAND:

Senator Trotter?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter on the Floor? Strike his name.

SENATOR MAITLAND:

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Senator Syverson.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Syverson. Senator Syverson on the Floor? Senator Syverson. Please strike his name.

SENATOR MAITLAND:

Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis? Senator Geo-Karis. The lady is not on the Floor. Strike her name.

SENATOR MAITLAND:

Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger? Senator Rauschenberger on the Floor? Senator Rauschenberger? Strike his name.

SENATOR MAITLAND:

Senator Emil Jones.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Emil Jones? Senator Jones. Is Senator Jones on the Floor? Strike his name. Senator Demuzio, for what purpose do you rise? Senator Demuzio.

SENATOR DEMUZIO:

Are we in the mode now to take the Leaders off on verifications? Is that right? And -- and all the negotiators?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland. Senator Maitland. Senator Maitland, did you ask to be recognized? Senator Carroll.

SENATOR CARROLL:

I believe that this was by request of the Leader who was not present at the time his switch was pushed.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter has returned. Return him to the roll. Senator Welch.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

SENATOR WELCH:

...says you can ask to be taken off. There's a Senate rule that says you can be verified as being voted on the motion but not a rule that says you can be asked to be removed. Well, but we have a rule. I tried -- I tried knocking off Senator Philip about a month ago, and I was roundly booed. And a chorus rose up that we don't do that. And now we did it, plus we verified off Syverson, Trotter, and I think Rauschenberger, who are all negotiating. So I'm not sure exactly what rules we're following today.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jones is verified off, and we will proceed. Senator Burzynski? On a verified roll call, there are 28 Yes, 24 No, no voting Present. The bill, having received the required -- the amendment is adopted. Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. I'd like to verify the Ayes.

PRESIDING OFFICER: (SENATOR WATSON)

That request is in order. Mr. Secretary, please verify the affirmative.

SECRETARY HARRY:

The following voted in the affirmative: Berman, Bomke, Butler, Carroll, Cronin, DeLeo, del Valle, Dillard, Donahue, Dudycz, Farley, Garcia, Karpel, Klemm, Link, Madigan, Mahar, Maitland, Molaro, Obama, Peterson, Radogno, Severns, Viverito, Tom Walsh, Watson, Weaver, and Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Senator del Valle.

PRESIDING OFFICER: (SENATOR WATSON)

Senator del Valle is in his chair.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

SENATOR BURZYNSKI:

Senator Donahue.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue is in her chair.

SENATOR BURZYNSKI:

Senator Garcia.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Garcia is in the back of the Chamber.

SENATOR BURZYNSKI:

Senator Karpiel.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpiel is in the aisle.

SENATOR BURZYNSKI:

Senator Madigan.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan is up here in front.

SENATOR BURZYNSKI:

Senator Molaro. I don't think so. I -- I served in the House with Senator DeLeo.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Molaro. Senator Molaro on the Floor? Senator Molaro. Strike his name.

SENATOR BURZYNSKI:

Senator Severns.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Severns is talking to the media.

SENATOR BURZYNSKI:

Where we all should be. Thank you. I have no further questions.

PRESIDING OFFICER: (SENATOR WATSON)

On a verified roll call, once again, there's 27 voting Yes, 24 voting No and the amendment is adopted. 3rd Reading on House Bill

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

260. Mr. Secretary, please read the -- read the bill.

SECRETARY HARRY:

House Bill 260.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Well, let -- before I close, let me open, and would just seek approval of the bill. If there are no other speakers, I will close. Three additional speakers.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

And I didn't completely follow the colloquy between Senator Burzynski and you on the amendment, Senator, but -- but when I -- I got the original House bill number, which I guess was 1106, I looked at my notes, and despite what the printout says about Henry County and Peoria, Peoria has written me in opposition to this. The Henry County Board has passed a resolution in opposition to this. And I guess the inquiry needs to be, you know: What is there that is changed in -- in your Amendment No. 2 that has now become House Bill 260 and original House Bill 1106, if anything?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Senator, the -- the Amendment No. 1 was what is the -- the preponderance of the bill. Amendment No. 2 that we filed

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

yesterday and adopted was the one that was -- necessary or a concern to -- to Lake County.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson.

SENATOR HAWKINSON:

Has -- has the substance of the bill and its impact on -- on counties' tipping fees substantially changed from the form the bill's in now, except for Lake County, and House Bill 1106 as it came over to us?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

To the best of our understanding, Senator, it is the same as House Bill 1106. Yes, sir.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Larry Walsh.

SENATOR L. WALSH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to this bill. In Will County, we took it upon ourselves to try and control our destiny in the line of municipal waste. I served on those committees and attended many, many hours of discussion with the county board in making our decisions to take care of our future growth for the next twenty-some odd years. We are very fortunate that we are hopefully in line of receiving land in the Joliet Arsenal that we are going to create a four-hundred-and-fifty acre landfill for municipal waste. And I find it very disappointing to see that we are going to be the recipients of that waste and then give part of our money back, because of the transfer stations, to somebody else. If somebody else wants to go through the same procedures as what we did and find land available in their county to create a landfill, then so be it. But I don't find it very good,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

disappointing, to see us being basically penalized in losing revenue, because now we are in a position to -- to take waste, and have to give it back to someone else -- take -- give some of the money back. So, I'm in opposition to this.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Carroll.

SENATOR CARROLL:

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

PRESIDING OFFICER: (SENATOR WATSON)

Previous question has been moved. We have -- next speaker is Senator Welch, followed by Senator Karpel and then Senator Jacobs. Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield.

SENATOR WELCH:

Senator, my analysis showed, from yesterday, that Lake County and Will County oppose this. And now there's an amendment exempting Lake County. Could you tell me why Lake County was exempted and not Will County?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Senator, they -- we addressed almost all of Lake County's problems. They had waived their fees on the host agreements, and they had come to us, and Senator Geo-Karis had come to me. And we offered the amendment, shared it with them and -- and addressed that part of their problem.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

So if -- so if Senator Geo-Karis lived in Will County, we would -- had an exemption in Will County.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Will make it very brief. I just want to concur with what Senator Walsh had to say with one exception. He talks about giving money back to the other communities for the tipping fees. I honestly think, in the long run, this is going to increase the cost of landfill costs, and that's the main reason I think we should vote against this bill.

PRESIDING OFFICER: (SENATOR WATSON)

A -- Senator Maitland, to finish -- to close.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. I fully understand that this is a departure from where we've been in recent years. The fact of the matter is, there -- there are diminishing numbers of landfills around the State. And when -- when a landfill is developed, you can put in place any kind of host agreement that you want. The fact of the matter is, this tipping fee is to be used for not only the solid waste problems that are -- that are associated with the landfill, but they're also to put in place solid waste plan for -- and the law says "counties," and that's plural. Each -- each county has needs to put in place a solid waste plan that deals with recycling and a multitude of things to deal with the ever-increasing problem with solid waste. This is, I think, the first step in trying to get this back on track, and there may be a need for further legislation. And, frankly, we have tried for a number of days, Ladies and Gentlemen of the Senate, to negotiate with some of the opponents of this bill. This bill will obviously go back to the House. If you recognize we have a solid waste problem in this

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

State, it seems to me this is a reasonable way to attempt to address it in some of the other counties who also have problems with solid waste but don't have a landfill and, therefore, the benefit of -- of the tipping fee. So, I appreciate and respect the debate on both sides. I thank you for your courtesy, Mr. President, and I would seek the support of the Body.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall House Bill 260 pass. 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? Have all voted who wish? Take the record. On that question, there are 30 voting Yes, 26 voting No, no voting Present. House Bill 260, having received the required constitutional majority, is declared passed. Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

Verification of the Aye votes.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jacobs has requested a verification. Will all Senators please be in your seats? Secretary will read the affirmative votes.

SECRETARY HARRY:

Following voted in the affirmative: Berman, Bomke, Butler, Carroll, Cronin, Cullerton, DeLeo, del Valle, Donahue, Dudycz, Farley, Garcia, Geo-Karis, Hendon, Jones, Karpiel, Klemm, Link, Madigan, Maitland, Molaro, Obama, Peterson, Radogno, Severns, Viverito, Tom Walsh, Watson, Weaver, and Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jacobs, do you question the presence of any Senator?

SENATOR JACOBS:

Senator Klemm.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm is in his chair.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

SENATOR JACOBS:

Okay. Senator Cronin.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cronin is in the phone booth.

SENATOR JACOBS:

Senator Molaro.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Molaro? Senator Molaro. Senator Molaro? Strike his name.

SENATOR JACOBS:

Thank you. That's all.

PRESIDING OFFICER: (SENATOR WATSON)

On a verified roll call, the Ayes are 29, the Nays are 26 and no voting Present. And the bill, having failed to receive the required constitutional majority, is declared lost. House Bill 353. Senator Rauschenberger. Mr. Secretary, please read the bill.

SECRETARY HARRY:

House Bill 353.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. It may come as a surprise to everyone here, but this is a House bill that had a drafting error, and because we didn't catch it in time, we've gutted the bill with an amendment and would like to move this to a conference. We're dealing with a township that's seeking to incorporate and needs a statutory exception. It was requested by a House Member, and I'd appreciate the -- the support of the Body.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? The question is, shall House Bill 353 pass. All those in favor, vote Yes. 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. House Bill 353, having received the required constitutional majority, is declared passed. House Bill 475. Senator Rauschenberger. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 475.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. On account of the third iteration of the saga of the Secretary of State's vehicle list, this bill would seek to restore the requirement that Secretary of State sell lists of both driver's licenses and vehicle registration with a positive opt out and an enhanced fee schedule to help the Secretary of State to pay for this decision. The Senate President has been working closely in negotiations with the Secretary of State's Office, and the expectation is that there will be an agreement sometime early next week. This bill has been amended in this Chamber. We'd like to sent it over to put it in a position for a conference committee report. Due to the -- some of the court decisions that are going down, the Secretary of State's Office will need a piece of legislation. He's agreed that we should move the bill. I'd appreciate favorable support.

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Is there any questions? Any discussion? Seeing none, the --
Senator Fawell.

SENATOR FAWELL:

Has -- will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield.

SENATOR FAWELL:

Has this bill now been amended so it's a vehicle so that
there's a conference?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

No, Senator Fawell, the bill has not been amended. This is in
the -- the form it shows in your analysis. I was reliably
informed by my Leader that we were going to put it in position for
a conference and work towards an agreement with...

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell.

SENATOR FAWELL:

I understand that it's been put -- it's to go into a
conference committee and both parties will work it out.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yes, that's the explicit instructions of my Leader.

PRESIDING OFFICER: (SENATOR WATSON)

Any other further discussion? Any discussion? Seeing none,
the question is, shall House Bill 475 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 44 voting Yes, 14
voting No, no voting Present. House Bill 475, having received the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

required constitutional majority, is declared passed. House Bill 768. Senator Dudycz. Mr. Secretary, please read the bill.

SECRETARY HARRY:

House Bill 768.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. House Bill 768 authorizes any -- it creates the Truss Construction Fire Safety Act authorizing any municipality by -- or county, by ordinance, to require that a truss construction emblem be affixed to a front of all or any class of structures, excluding residential structures, within the municipality which have a truss construction. A municipality or county may require the owners of such structures to register and pay a fee which shall be used for identifying, maintaining records of and inspecting structures with truss construction. Amendment No. 1 did exclude residential structures from the bill. Amendment No. 2 removed language from the bill which said that fees may be used for costs associated with preparing to responding and -- to respond and responding to fires and other safety-related situations in those structures. With both amendments, the fees may only be paid -- used to pay costs associated with administration of the program and inspection of buildings. As the bill is currently, all opposition has been removed. I would seek your support of House Bill 768, as amended.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall House Bill 768 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

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

the record. On that question, there are 56 voting Yes, 2 voting No, no voting Present. House Bill 768, having received the required constitutional majority, is declared passed. House Bill 1171. Senator Rauschenberger. 1171. Mr. Secretary, please read the bill.

SECRETARY HARRY:

House Bill 1171.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a General Obligation Bond authorization that we've stripped the effective date out on to send it back to the House so that we can continue the -- to play ping-pong so we're prepared for the eminent final arrangements.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall House Bill 1171 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. House Bill 1171, having received the required constitutional majority, is declared passed. House Bill 1347. Senator Donahue. Mr. Secretary, please read the bill.

SECRETARY HARRY:

House Bill 1347.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

SENATOR DONAHUE:

Why, thank you very much, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1347 creates the Public Safety Employees Benefit Act, and what this bill does is because of legislation that was passed at the federal level, many of our districts or our areas are receiving federal funds for more policemen. And in a caveat in that legislation, it says that those federal funds are contingent on passing a benefits Act. And what this does is that it provides that for full-time law enforcement officers and firefighters that are killed or disabled in the line of duty shall continue the health benefits for the officer or the firefighter, their spouses and their children. I think this is a very important piece of legislation. I'm not one that normally passes onto a mandate at the local level, but I think this is worth it, and it's something very necessary. And I would ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1347 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, 1 Nay, 1 voting Present. And House Bill 1347, having received the required constitutional majority, is declared passed. House Bill 1457. Senator Geo-Karis. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1457.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Mr. President and Ladies and Gentlemen of the Senate, this bill enacts the Act that was stated and increases the compensation to be paid to -- that may be paid to local governments by the Department of Nuclear Safety for activities associated with repairing and implementing nuclear accident emergency plans. Increases the annual fees the Department collects from the owners of a nuclear power reactor. Was amended to the satisfaction of the Appropriations Chairman, and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. But I just wanted the record to indicate that I pushed my switch by mistake and voted No on the previous bill when I meant to vote Yes. 1347. And I would like the record to indicate that I wanted to vote Yes on that bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record shall so reflect your intent, Senator Shaw. Any further discussion? If not, the question is, shall House Bill 1457 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 56 Ayes, 1 Nay, none voting Present. And House Bill 1457, having received the required constitutional majority, is declared passed. House Bill 1526. Senator Watson. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1526.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Yes. Thank you, Mr. President. This bill, House Bill 1526, mandates the State fully fund all special education reimbursements claim filed by the school districts and special education providers, and it ties the special ed personnel reimbursement to twenty-two percent of the current statewide average teacher salary. There were two amendments put on the bill. The first one said that we will now allow school districts to request waivers from rules and regulations pertaining to special education. And it would also sunset all State Board of Education's rules and regulations governing special education on December 31st, 1999, and then it would require the State Board of Education to develop a new special ed rule -- new special education rules that are hopefully streamlined and do not impose any more mandates than are required by the federal government. There -- well, thank you. I'll be glad to answer any questions at this point.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Petka.

SENATOR PETKA:

I would move the previous question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

There's one additional speaker. Further discussion? Senator Berman.

SENATOR BERMAN:

Good try. Thank you, Mr. President, Ladies and Gentlemen of the Senate. I respectfully request your attention because there aren't many bills like this one that we have the opportunity to vote on, and the reason I say that is because in every Session there's one or two bills only, out of the hundreds that we act on, that really can make a difference back home and can really make a difference on your political future and in your campaigns. I would suggest to you that this is one of those bills. If I were the Chairman of the Appropriations Committee, I would criticize

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

the bill because of the hundred-plus million dollars that the bill would cost to fund education. But that's not why I'm opposing the bill. In fact, I was in support of this bill. I was a cosponsor with Senator Watson when the provision to raise the funding for special ed was all that was in this bill. After Amendment No. 1 was put on this bill, I have removed my name as a cosponsor on this bill, and let me give you the three reasons why I have done that. Illinois, for the past two decades, has been one of the most responsive states regarding the needs of our disabled children through trying to respond to their needs and making special education a very, very important program in our schools. Because we have put such a high priority on special education, in bill after bill dealing with waivers, we have always prohibited special education from being able to be waived. When we passed the waiver bill to prohibit -- to allow school districts to come in and waive provisions of the Statutes, one of the prohibitions or one of the exemptions to that waiver bill was special education. You couldn't come in and waive the law regarding special ed. We could do everything else, but not special ed. In this bill, in this bill, there's a specific change in the Illinois law that allows school districts to go back to the State Board of Education and waive special education rules and regulations. What that means is that every time there is a requirement back home in your school district to take care of a special ed kid that may be an exceptional expense, and that exceptional expense comes with the teaching of disabled children, you may find that your superintendent comes down to the State Board and seeks to waive that requirement to provide a quality education to that child. This bill, for the first time in my tenure in this -- in this General Assembly, allows rules and regs for special ed to be waived. Number two: It calls on the State Board to adopt new rules and regs regarding special education, those rules and regs

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

to be prepared and adopted by December 31st, 1999. In addition to that - and that doesn't bother me - but what it does do is that, as of December 31st, 1999, this bill repeals all our existing rules and regs for special education. Now, I would hope that the State Board would do their job and adopt new rules by December 31st, 1999, but if for some reason - and I can't tell you what it would be - but if for any reason the State Board doesn't adopt new rules by December 31st, 1999, this bill repeals all of our existing rules and regs.

END OF TAPE

TAPE 5

SENATOR BERMAN:

January 1st the year 2000, you may have a situation where we have no rules and regs addressing the needs of our disabled children in special ed. How outrageous! Number three: I've heard the sponsor of this bill repeatedly talk about local control when there is debate regarding waivers. The sponsor of this bill, many times, is up to defend the request for a waiver on the basis that back home they're closer to the situation, they know what ought to be waived and what ought not to. Now let me tell you what's in this bill, this bill says that the new rules and regs that the State Board must adopt cannot go beyond the requirements of the federal laws and federal rules and regulations. Now, Ladies and Gentlemen, I've got to tell you, and I have great respect for our two U.S. Senators and for my Congressman, but I've got to tell you, with all lack of respect for Congress, those guys in Washington do not know what our disabled children in Illinois need

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

better than you and I in the Illinois General Assembly. I don't think that we should lower our standards to say that we - Illinois Legislature, Illinois State Board of Education - that we should have rules and regs regarding our disabled children that are no higher, no more demanding, no more responsive to the needs of our kids than what Congress has passed. Now I've got to tell you, they're not going to be as responsive as we are to our disabled children. And yet, this bill says we cannot be more responsive than Congress has decided for a national standard. We'll I've got to tell you, for the past twenty years, Illinois has had better than a national standard. And I expect no less. Your parents expect no less. Your disabled children expect no less. And your Aye vote on this bill would say that they're not going to get anything better than what Congress gives them. Shame on us. I urge a No vote on behalf of the disabled children of Illinois.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson, to close.

SENATOR WATSON:

Thank you, Mr. President. And I do find it unfortunate that the previous question had been raised and that only one speaker was allowed to talk. I know there was a lot of people interested in this legislation, and it's unfortunate because we had people that were -- obviously, feel strongly on both sides of this, as -- as our previous speaker did and certainly I and others do. One thing, though, that -- that I think we all understand, and I think we all make this speech back home, is that we ought to live up to the requirements that we dictate to local school districts. And those -- some of those requirements obviously should be funding. I think we've all probably made that speech. I certainly have. I think we should fully fund mandates, and that's what this does. So those of you who -- who support the philosophy of if we're going to dictate policy from Springfield and we ought to fund it,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

this is the bill you should be on. Now we had a Republican task force that dealt with school reforms, and we asked superintendents, and principals, and school board members, and teachers, and a multitude of people to come in and address issues that they thought and that we wanted to include, ultimately, in the school funding package. That was the reason for the task force. And the -- one of the largest complaints that we had was the costs of special education and the rapidly growing costs of special education. And you've probably gotten a lot of phone calls, and I'd -- I think it's unfortunate that some people react as they do to legislation that we attempt to put forward here, and misrepresent what our intent is here, by sending their letters to the constituents of those groups, to them, and then tell them to call your Representative, call your Senator, and tell them that they are going to eliminate special education in House Bill 1526 and, therefore, vote No. That's -- there's nothing further from the truth. We are not eliminating special education, not at all. There is a federal law that requires each state in this country to comply with certain language in -- in a federal Act, and we're not touching that. But the State of Illinois has gone a little bit further, and maybe a lot further in many cases, in regard to special education, and that's what we hear is causing the financial burden on our local school districts. So all we say is, and I -- through the three points that Senator Berman mentioned, all we're saying is that, okay, local control, state -- if your local board decides that they want to apply for a waiver here in Springfield and apply for some relief in regard to only the rules and regulations that are promulgated by the State Board of Education that has nothing to do with the federal Act, then you can apply for that waiver. It comes to here -- to State Board of Education. Do they have to grant that waiver? Do they have to grant it? No, they do not. That's the safeguard, and they have

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

proven that, in many cases, they do not grant that waiver. The curtain coming down on the rules and regulations in regard to special education on December 31st, 1999, gives us ample time to address the concerns of -- of those people who want to see maybe more rules and regulations and certainly those who want to see maybe some of those rules and regulations relaxed. That's the whole idea, is bring some people together and try to work out something that will be reasonable and meaningful and maybe would allow for some cost relief to our local districts. That's basically all we're trying to do, and the State Board of Education is mandated to do that in this legislation. So to say that after December 31st, 1999, that all rules and regulations will no longer be present, I think, is a folly, if you... The State Board of Education will live up to the requirements of this legislation. The local control aspect that was mentioned, I'd -- the federal law is there - the federal mandates. And I understand that the federal law now has been debated some three years out in Washington. And now, in -- July 1, 1998, there will be a new federal law. It's very timely that we would say December 31st, 1999, after knowing what the federal Act provides, that we maybe ought to review the State rules and regulations. That just makes sense. That just makes good sense. The average cost, right now, from what I understand, of a special education student in our school districts is somewhere between seventeen and twenty thousand dollars a student. We want to see some flexibility allowed to those local districts that still have to require and -- and provide special education for those students who need it, but give them some flexibility so maybe we can reduce those costs and still provide for the quality education and services that are needed. I'm -- I'm here to say, I'm willing to give the money - and it's a hundred and twelve million dollars, I believe, is what it is - that's required to fully fund special education in this

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

particular piece of legislation. I think that's important. But I also think it's important, at this point in time, we take a look at the possibility, the potential of helping districts reduce their local costs, and that's all this does. Mr. President, I would appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 1526 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 18 Ayes, 37 Nays and 3 voting Present. And House Bill 1526, having failed to receive the required constitutional majority, is declared failed. Senator Watson, what purpose do you rise?

SENATOR WATSON:

Yes. Thank you. I'd like to put that on Postponed Consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator -- Senator Watson, you did not receive enough affirmative votes to be -- put on Postponed Consideration. Senator Hendon, what purpose do you rise? Senator Trotter, what purpose do you rise?

SENATOR TROTTER:

Thank you very much, Mr. President and Members of the Senate. I would like for all of you to join with me in welcoming the fourth, fifth and sixth grade class from the McDade School from the southeast side of Chicago. They've come down here...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests in the gallery please rise and we recognized. Welcome to Springfield. Senator Carroll, what purpose do you rise?

SENATOR CARROLL:

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

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR CARROLL:

I had inadvertently been away from my desk when House Bill 1347 had been voted on, had I been at my switch, I would have voted Aye.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Record will so reflect your intent, Senator Carroll. Senator Welch, what purpose do you rise?

SENATOR WELCH:

Point of privilege. Mr...

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR WELCH:

Mr. President, on House Bill 1457, I was recorded as voting No, Senator Burzynski was talking to me and I inadvertently hit my No button, I meant to vote Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record will reflect your intent, Senator Welch. Senator Petka, what purpose do you rise?

SENATOR PETKA:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point, sir.

SENATOR PETKA:

On House Bill 1373, I was recorded as voting No, I was off the Floor at the time. If I had properly given instruction it should have been voted Aye.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Record will reflect your intent, Senator Petka. On the Order of House Bills 3rd Reading is House Bill 1817. Senator Watson. House Bill 1887. Senator Karpel. Mr. Secretary, read the bill.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

SECRETARY HARRY:

House Bill 1887.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. The amendment -- Amendment No. 1 to House Bill 1887 becomes the bill. And it creates standards for facilities to accept exclusively general construction or demolition debris for a transfer storage or treatment. These facilities shall be subject to local zoning ordinance, zoning, ordinance and land use requirements and they should -- shall be located in accordance with these requirements. It establishes operating standards for such facilities and the bill only applies now to Cook and DuPage Counties.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1887 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 55 Ayes, no Nays, none voting Present. And House Bill 1887, having received the required constitutional majority, is declared passed. House Bill 2171. Senator Maitland. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 2171.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

Thank you very much, Mr. President. House Bill 2171, as amended, does a number of things and let me indicate what they are. First of all, it creates three rebuttable presumptions; Number one, a chronic truant is a minor in need of supervision; number two, school records of minors attendance at school are authentic; number three, the definition of chronic truant is consistent with the School Code definition. The amended bill provides that the dispositional orders may include a fine, public service, the suspension of a minor's driver's license only if the court is made an express written finding that a truancy prevention program has been offered by the school, regional superintendent of schools or a community social service agency. Only if the minor rejects, fails at some prevention program can such sanctions be imposed. Mr. President, there were a number of concerns with the child care agencies when we debated this bill in committee. This amendment -- this amended bill addresses the concerns that they had. It was agreed to in committee. I would seek support of the Body.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 2171 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. And House Bill 2171, having received the required constitutional majority, is declared passed. Resolutions Consent Calendar. We will 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.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted? All those in favor, say Aye. Opposed, Nay. The motion carries and the resolutions are adopted. Messages 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 concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 3, together with the following amendment, which is attached, to the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment No. 1.

Passed the House, as amended, May 16, 1997.

We have like Messages on the following bills with the following House amendments: Senate Bill 106, with House Amendments 1, 2, 3, 4 and 7; 124, with Amendment 1; 307, with Amendments 1 and 3; 317, with Amendment 1; 320, with Amendments 2, 3, 4, 5, and 6; 345, with Amendments 2 and 3; 381, with Amendments 1, 2 and 4; 473, with Amendment 4; 547, with Amendment 1; 603, with Amendment 2; 665, with Amendments 1 and 2; 703, with Amendment 1; 778, with Amendment 1; 795, with Amendment 1; 855, with Amendment 1; 909, with Amendment 1; 1020, with Amendments 1 and 2; Senate Bill 1076, with House Amendments 1 and 2.

All passed the House, as amended, May 16th, 1997.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Messages.

SECRETARY HARRY:

Message from the President, May 16th, 1997.

Dear Mr. Secretary, pursuant to the provisions of Senate Rule 2-10(e), I hereby extend the deadline for final action on the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 16, 1997

following categories of bills, with specific bills enumerated under these categories, to May 31, 1997: Human Services, specifically, House Bills 204, 1633 and 1707; Energy issues, specifically, House Bill 362; Education, specifically, House Bill 449; Elections, specifically, House Bill 729; and Pensions, specifically, House Bill 110.

Signed by President Philip.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further business to come before the Senate? If not, Senator Myers moves the Senate stands adjourned until 3 p.m., Monday, May 19th. Be careful driving home, folks.

MAY 16, 1997

HB-0023 RECALLED	PAGE	24
HB-0023 THIRD READING	PAGE	32
HB-0066 RECALLED	PAGE	3
HB-0066 THIRD READING	PAGE	33
HB-0070 RECALLED	PAGE	4
HB-0070 THIRD READING	PAGE	34
HB-0110 OTHER	PAGE	205
HB-0131 THIRD READING	PAGE	154
HB-0172 THIRD READING	PAGE	156
HB-0190 THIRD READING	PAGE	35
HB-0204 OTHER	PAGE	205
HB-0223 THIRD READING	PAGE	40
HB-0228 THIRD READING	PAGE	41
HB-0260 RECALLED	PAGE	177
HB-0260 THIRD READING	PAGE	182
HB-0260 THIRD READING	PAGE	169
HB-0282 THIRD READING	PAGE	41
HB-0297 RECALLED	PAGE	26
HB-0297 THIRD READING	PAGE	42
HB-0310 THIRD READING	PAGE	48
HB-0313 RECALLED	PAGE	25
HB-0313 THIRD READING	PAGE	49
HB-0313 OTHER	PAGE	53
HB-0353 THIRD READING	PAGE	187
HB-0362 OTHER	PAGE	205
HB-0379 RECALLED	PAGE	5
HB-0379 THIRD READING	PAGE	50
HB-0447 THIRD READING	PAGE	52
HB-0449 OTHER	PAGE	205
HB-0470 THIRD READING	PAGE	54
HB-0475 THIRD READING	PAGE	188
HB-0526 THIRD READING	PAGE	56
HB-0528 THIRD READING	PAGE	56
HB-0574 THIRD READING	PAGE	57
HB-0586 THIRD READING	PAGE	58
HB-0593 THIRD READING	PAGE	63
HB-0613 RECALLED	PAGE	6
HB-0613 THIRD READING	PAGE	64
HB-0613 OTHER	PAGE	65
HB-0652 THIRD READING	PAGE	66
HB-0652 OTHER	PAGE	80
HB-0674 THIRD READING	PAGE	73
HB-0679 THIRD READING	PAGE	77
HB-0729 OTHER	PAGE	205
HB-0740 THIRD READING	PAGE	79
HB-0768 THIRD READING	PAGE	190
HB-0847 THIRD READING	PAGE	80
HB-0898 THIRD READING	PAGE	81
HB-0918 THIRD READING	PAGE	82
HB-0922 RECALLED	PAGE	28
HB-0922 THIRD READING	PAGE	83
HB-0940 THIRD READING	PAGE	95
HB-0995 THIRD READING	PAGE	96
HB-0998 THIRD READING	PAGE	99
HB-1029 RECALLED	PAGE	7
HB-1029 THIRD READING	PAGE	100
HB-1051 THIRD READING	PAGE	101
HB-1101 RECALLED	PAGE	8
HB-1101 THIRD READING	PAGE	102
HB-1118 THIRD READING	PAGE	102
HB-1121 THIRD READING	PAGE	103
HB-1140 RECALLED	PAGE	9
HB-1140 RECALLED	PAGE	105
HB-1140 THIRD READING	PAGE	106

MAY 16, 1997

HB-1141 RECALLED	PAGE	18
HB-1141 THIRD READING	PAGE	107
HB-1142 THIRD READING	PAGE	108
HB-1147 THIRD READING	PAGE	109
HB-1171 THIRD READING	PAGE	191
HB-1174 THIRD READING	PAGE	111
HB-1210 THIRD READING	PAGE	112
HB-1215 THIRD READING	PAGE	113
HB-1230 THIRD READING	PAGE	113
HB-1252 THIRD READING	PAGE	114
HB-1254 RECALLED	PAGE	19
HB-1254 RECALLED	PAGE	31
HB-1254 THIRD READING	PAGE	115
HB-1337 RECALLED	PAGE	20
HB-1337 THIRD READING	PAGE	116
HB-1345 THIRD READING	PAGE	117
HB-1347 THIRD READING	PAGE	191
HB-1347 OTHER	PAGE	193
HB-1347 OTHER	PAGE	201
HB-1373 RECALLED	PAGE	21
HB-1373 THIRD READING	PAGE	120
HB-1373 OTHER	PAGE	201
HB-1400 THIRD READING	PAGE	120
HB-1457 THIRD READING	PAGE	192
HB-1457 OTHER	PAGE	201
HB-1485 RECALLED	PAGE	29
HB-1485 THIRD READING	PAGE	121
HB-1493 THIRD READING	PAGE	122
HB-1513 THIRD READING	PAGE	123
HB-1526 THIRD READING	PAGE	193
HB-1550 THIRD READING	PAGE	124
HB-1589 RECALLED	PAGE	22
HB-1589 THIRD READING	PAGE	125
HB-1633 OTHER	PAGE	205
HB-1641 THIRD READING	PAGE	126
HB-1699 THIRD READING	PAGE	127
HB-1705 THIRD READING	PAGE	130
HB-1707 OTHER	PAGE	205
HB-1735 THIRD READING	PAGE	132
HB-1757 RECALLED	PAGE	30
HB-1757 THIRD READING	PAGE	133
HB-1881 THIRD READING	PAGE	133
HB-1887 THIRD READING	PAGE	201
HB-2059 THIRD READING	PAGE	138
HB-2132 THIRD READING	PAGE	144
HB-2152 RECALLED	PAGE	23
HB-2152 THIRD READING	PAGE	145
HB-2161 THIRD READING	PAGE	146
HB-2164 THIRD READING	PAGE	147
HB-2171 THIRD READING	PAGE	202
HB-2211 RECALLED	PAGE	30
HB-2211 THIRD READING	PAGE	149
HB-2215 THIRD READING	PAGE	150
SB-0469 NON-CONCURRENCE	PAGE	151
SB-0680 NON-CONCURRENCE	PAGE	152
SB-0806 NON-CONCURRENCE	PAGE	152
SB-1129 NON-CONCURRENCE	PAGE	152
SB-1131 NON-CONCURRENCE	PAGE	153
SB-1132 NON-CONCURRENCE	PAGE	153

MAY 16, 1997

SUBJECT MATTER

SENATE TO ORDER-PRESIDENT PHILIP	PAGE	1
PRAYER-THE REVEREND WILLIAM SCHROEDER	PAGE	1
PLEDGE OF ALLEGIANCE-LED BY SENATOR SIEBEN	PAGE	1
JOURNALS-POSTPONED	PAGE	1
COMMITTEE REPORTS	PAGE	1
MESSAGES FROM THE HOUSE	PAGE	2
COMMITTEE REPORTS	PAGE	24
RESOLUTIONS CONSENT CALENDAR-ADOPTED	PAGE	203
MESSAGES FROM THE HOUSE	PAGE	204
MESSAGE FROM THE PRESIDENT	PAGE	204
ADJOURNMENT	PAGE	205