

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

109th Legislative Day

May 20, 1998

PRESIDENT PHILIP:

The regular Session of the 90th General Assembly will please come to order. Will the Members please be at their desks, and will our guests in the gallery please rise? Our prayer today is given by the Reverend Henry Soles, Senior Chaplain of the World Champion Chicago Bulls. Reverend Soles.

THE REVEREND HENRY SOLES:

(Prayer by the Reverend Henry Soles)

PRESIDENT PHILIP:

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

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, on a point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, we are graced today with the presence of the Eminent Reverend Soles, who is the Senior Chaplain of the Bulls team, but we're also graced here with the presence of Mrs. Soles, Effie Soles, his delightful wife, and they live in Wheaton, which is Senator Fawell's constituency. So we'd like you to welcome Mrs. Soles...

PRESIDENT PHILIP:

Would Mrs. Soles please rise and be recognized by the Senate? Senator Hawkinson, for what purpose do you rise?

SENATOR HAWKINSON:

Matter of personal privilege, Mr. President.

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PRESIDENT PHILIP:

State your point.

SENATOR HAWKINSON:

It's our privilege today, in the President's Gallery, to have the student council from Churchill Junior High School in Galesburg, Illinois. I'd like them to rise and be welcomed by the Senate.

PRESIDENT PHILIP:

Will the student council please rise and be recognized by the Senate? Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Thursday, May 14th; Friday, May 15th; Monday, May 18th; and Tuesday, May 20th {sic} (19th), in the year 1998, 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 objections, so ordered. Committee Reports.

ACTING SECRETARY HAWKER:

Senator Fawell, Chairperson of the Committee on Transportation, reports Senate Bill 1031, Second Conference Committee Report, Be Approved for Consideration.

Senator Cronin, Chairperson of the Committee on Education, reports Senate Bill 1599, Motion to Concur with House Amendments 1, 2, 3 and 4, Be Adopted; Senate Bill 1610, Motion to Concur with House Amendments 2 and 3, Be Adopted; and Senate Bill 1627, Motion to Concur with House Amendment No. 1, Be Adopted.

Senator Hawkinson, Chairperson of the Committee on Judiciary, reports Senate Bill 445, Motion to Concur with House Amendments 1 and 2, Be Approved for Consideration; Senate Bill 1328, Motion to Concur with House Amendment 3, Be Approved for Consideration;

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Senate Bill 1424, Motion to Concur with House Amendments 1 and 2, Be Approved for Consideration; and Senate Bill 1835, Motion to Concur with House Amendments 1 and 2, Be Approved for Consideration.

PRESIDENT PHILIP:

Messages from the House.

ACTING SECRETARY HAWKER:

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 560, with House Amendments 3, 7 and 8.

Passed the House, as amended, May 19, 1998.

I have like Messages on Senate Bill 1307, with House Amendment 2; Senate Bill 1585, with House Amendment 1; and Senate Bill 1784, with House Amendment 1.

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

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to wit:

House Bill 2827, with Senate Amendments 1, 2, 3 and 5.

Nonconcurrent in by the House, May 20th, 1998.

I have a like Message on House Bill 3515, with Senate Amendment No. 1.

A Message from the House by Mr. O'Brien {sic} (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 1506, together with House Amendments 1, 2, 3 and 4.

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Passed the House, as amended, May 20th, 1998.

PRESIDENT PHILIP:

May I have your attention for a minute? Senator Obama, for what purpose do you rise?

SENATOR OBAMA:

Point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR OBAMA:

I am happy today that we -- I have Ms. Ashley Linton. She's an eighth-grade student at Edinburg Junior High in Senator Demuzio's district, but she's kind enough to be my personal Page for the Day, and I wanted the Senate to give her a wonderful welcome.

PRESIDENT PHILIP:

Would she please rise and be recognized by the Senate?  
Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned: Refer to Executive Committee - Senate Joint Resolution 71 and House Bill 672; refer to Insurance and Pensions Committee - Senate Bill 1298, House Bill -- 161, and Motions to Concur with House Amendment 1 to Senate Bill 1728 and House Amendment No. 1 to Senate Bill 1901; refer to Judiciary Committee - Motions to Concur with House Amendment 1 to Senate Bill 1713 and House Amendment No. 1 to Senate Bill 1846; refer to Licensed Activities Committee - Motion to Concur with House Amendment No. 1 to Senate Bill 1585; refer to Local Government and Elections Committee - Motion to Concur with House Amendment 2 to Senate Bill 1307; and Be Approved for Consideration - Conference Committee Report No. 1 to House Bill 1699.

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Filed by Senator Weaver, May 20th, 1998.

PRESIDENT PHILIP:

Resolutions.

ACTING SECRETARY HAWKER:

Senate Resolution 216, offered by Senator Lauzen.

It is substantive.

PRESIDENT PHILIP:

May I have your attention, please? We're going to have two committee hearings that are a little late, unfortunately. And Local Government will be at 12:30 in Room 400, and -- and Public Health will be at -- at 12:30 also, in Room 400 -- excuse me. Local Government is A-1. Revenue is 1 o'clock in Room 400. And then the Senate will stand at ease till 1:30.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDENT PHILIP:

The Senate will please come to order. Committee Reports.

SECRETARY HARRY:

Senator Syverson, Chair of the Committee on Public Health and Welfare, reports Senate Bill 1700, the Motion to Concur with House Amendments 1 and 3, Be Adopted.

Senator Peterson, Chair of the Committee on Revenue, reports Senate Bill 1568, the Motion to Concur with House Amendments 1 and 2, Be Adopted; and Senate Bill 1867, the Motion to Concur with House Amendment 1, Be Adopted.

And Senator Butler, Chair of the Committee on Local Government and Elections, reports Senate Bill 1210, the Motion to Concur with

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House Amendment 1, Be Adopted; Senate Bill -- or, 1280, the Motion to Concur with House Amendments 1, 2 and 3, Be Adopted; and Senate Bill 1500, the Motion to Concur with House Amendments 1, 2 and 3, Be Adopted.

PRESIDENT PHILIP:

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 refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to wit:

House Bill 884, with Senate Amendment No. 1.

We have like Messages on House Bill 2257, with Senate Amendment 1; House Bill 2583, with Senate Amendment 1; and House Bill 3026, with Senate Amendments 1, 2 and 4.

All nonconcurrent in by the House, May 20th, 1998.

PRESIDENT PHILIP:

Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1945, offered by Senator del Valle.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDENT PHILIP:

Senator Karpziel, for what purpose do you rise?

SENATOR KARPIEL:

For an announcement. There will be a Republican Caucus in Senator Philip's Office immediately, and we will return about -- in about an hour.

PRESIDENT PHILIP:

That would be 3 o'clock. Senator Jones, for what purpose do you rise?

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SENATOR JONES:

Well, seeing that we'll be at ease and so forth, I think -- for all Democrats, I think we'll have a caucus in my office, and we'll see you at 3 o'clock. So, caucus as soon as you can get there, in my office.

PRESIDENT PHILIP:

Thank you, Senator Jones. We stand at ease till 3 o'clock.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate will reconvene. Illinois Information Services requests permission to videotape today's Session for archival purposes. Is leave granted? Leave is granted. Resolutions.

SECRETARY HARRY:

Senate Resolution 217, offered by Senator Thomas Walsh. It's substantive.

PRESIDING OFFICER: (SENATOR DONAHUE)

If you're within earshot of my voice, would appreciate very much if Members would please come to the Floor. We are going to do -- run through the Calendars, the -- the -- today's Calendar, regular Calendar, and then we have Supplemental Calendar No. 1. I will -- I believe we will be doing final action, as well as nonconcurrences, to move the paperwork. So, please, please, come to the Floor. Senator Dudycz, for what purpose do you rise?

SENATOR DUDYCZ:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

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State your point.

SENATOR DUDYCZ:

Just like to share with the Body that we have a special guest on the Floor with us this afternoon. We have the President of the Metropolitan Water Reclamation District of the greater Chicagoland area, keeping our water pure and healthy for us to drink and to shower and bathe in, and keeping our -- our health going in the -- in the Cook -- Cook County area, Chicagoland area. The President, Terry O'Brien. I'd like the Senate to welcome him.

PRESIDING OFFICER: (SENATOR DONAHUE)

Welcome to -- Illinois Senate. Senator Myers, for what purpose do you seek recognition?

SENATOR MYERS:

Madam President, point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR MYERS:

I would like to introduce to the Body Joalyn Daugherty. She is an intern from Eastern Illinois University for me. Joalyn.

PRESIDING OFFICER: (SENATOR DONAHUE)

Joalyn, would you please rise and be recognized by the Illinois Senate? Welcome. We will -- beginning on the regular Calendar at the bottom of page 6 with Senator Viverito, with Non-concurrences. Soon as we get to the Floor, we'll begin with Senator Viverito. On the bottom of page 6 is Senate Bill 1203. Senator Viverito. On the... On the Order of Non-concurrence is Senate Bill 1203. Mr. Secretary.

SECRETARY HARRY:

I move to nonconcur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 1203.

Filed by Senator Viverito.

PRESIDING OFFICER: (SENATOR DONAHUE)



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Senator Viverito.

SENATOR VIVERITO:

Thank you, Madam President. I move to nonconcur with House Amendment 1 and 2 to Senate Bill 1203. The two amendments that were put on this bill by the House deal with home equity assurance programs in Chicago and are totally different subject matter from the original bill passed by the Senate. That is why I wish to nonconcur with the two House amendments. Thank you very much.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, Senator Viverito moves to nonconcur in House Amendments 1 and 2 to Senate Bill 1203. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment -- and the Senate does concur. The motion carries and the Senate -- Secretary shall so inform the House. Going to continue on our Calendar to Secretary's Desk, Concurrence. This will be final action. This will be final action. Senator Watson. Senate Bill 1246. Before we begin, with leave of the Body, have leave to go back to Senate Bill 1224. Okay. We are on the regular Calendar, Ladies and Gentlemen, on page 7, top of the page. On page 7, at the top of the page of -- of the Calendar, on the Order of Concurrence, is Senate Bill 1246. Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1246.  
The motion by Senator Watson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President. It's my intention to actually move to nonconcur with House Amendment No. 1 to Senate Bill 1246 and ask for -- I think it's appropriate at this time to

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ask for a conference committee. Okay. I -- I ask -- make a motion that we nonconcur in House Amendment No. 1 to Senate Bill 1246.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, Senator Watson moves to nonconcur in House Amendment No. 1 to Senate Bill 1246. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries, and the Secretary shall so inform the House. On page 8 of your regular Calendar is Senate Bill 1664. Senator Cronin. Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1664.

The motion by Senator Cronin.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I move to concur with House Amendment No. 1 to Senate Bill 1664. The amendment added the contents of a Senate bill that was sponsored by Senator Butler earlier that passed the Senate unanimously. The language provides that the home school district of a special ed student placed in a residential drug or alcohol treatment facility shall be responsible for the costs of the services provided while the student's at the facility. Apparently there's no controversy associated with it, and I ask for your favorable consideration of this concurrence motion.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, this is final action, and the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1664. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have

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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. The Senate does concur in House Amendment No. 1 to Senate Bill -- Senate Bill 1664, and the bill, having received the required constitutional majority, is declared passed. Senator Watson, on Senate Bill 1705? Motion to Concur? Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1705.

The motion by Senator Watson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President. This amendment - and I move to concur with - adds the jet fuel sales tax exemption for commercial cargo airplanes. A couple years ago, we put legislation in that -- that exempted jet fuel sales tax for cargo airplanes, and the reason for that was to be -- create an incentive to attract a company by the name of DHL, out of Cincinnati, Ohio, to either Mid-America Airport, located in the Metro East area, or to the Peoria Airport. I want to expand that language to include that it would be for maintenance - not only cargo, but for maintenance. And it is specific in its nature, the amendment is, that it would only impact Mid-America Airport. And the reason for this is we are trying, again, to bring a major airline maintenance center to -- to the area. And this is an incentive that's being offered by other states, and we're just trying to match that -- that effort by other states and create, hopefully, several hundred jobs as a result of this.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? This is

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final action. And the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1705. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, 1 voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 1705, and the bill, having received the required constitutional majority, is declared passed. ...we will go to Supplemental Calendar No. 1. At the top of page 2 will be Senate Bill 445. Senator del Valle. Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 445.

The motion by Senator del Valle.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. I move to concur with Amendments 1 and 2 to Senate Bill 445. First amendment establishes a January '99 effective date that will allow the Administrative Offices of the Court more time to -- to prepare. And the second amendment establish the Language Interpreter Fund where the fees will be deposited.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? This is final action. And the question is, shall the Senate concur in House Amendments 1 and 2 to Senate Bill 445. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The Senate does concur in House Amendments 1 and 2 to Senate Bill 445, and the

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bill, having received the required constitutional majority, is declared passed. Senator O'Malley, on Senate Bill 560. Madam Secretary.

ACTING SECRETARY HAWKER:

...move to nonconcur with the House in the adoption of their Amendments 3, 7 and 8 to Senate Bill 560.

Filed by Senator O'Malley.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I do move to nonconcur with House Amendments 3, 7 and 8 to Senate Bill 560. I've discussed it with the House sponsor. It's our intention that he'll take the appropriate steps to cause a conference committee to be called for.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley moves to nonconcur in House Amendments 3, 7 and 8 to Senate Bill 560. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the Senate -- the motion carries, and the Senate shall so inform the House. Senator Dudycz. Senate Bill 1210. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1210.

Filed by Senator Dudycz.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCZ:

Yes. Thank you, Madam President. I do move to concur with House Amendment No. 1 to Senate Bill 1210. Senate Bill 1210 -- or, actually, the -- the amendment relates to benefits for injured policemen and firemen. It was carried in Senate Bill 194, which

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we passed and is now Public Act 90-525. It allowed an injured fireman or policeman to recover damages under both a municipal ordinance and workers' comp. The amendment places the State Mandates Act exemption onto the Public Act that was erroneously left out to the original Senate Bill 194. So I do move to concur with the House amendment.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? This is final action. And the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1210. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 1210, and the bill, having received the required constitutional majority, is declared passed. Senator Butler, on Senate Bill 1280? Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1, 2 and 3 to Senate Bill 1280.

Filed by Senator Butler.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler.

SENATOR BUTLER:

Thank you very much. I move to concur on Senate -- Senate 1280, on Amendments -- 1280, on 1, 2 and 3. The Senate Bill 1280, as it left the Senate, covered the filing of certain public proceedings, records of public proceedings for seven -- within seven days, which brings that into the conformity with the Municipal Code in regards to the Open Meetings Act. Secondly, the bill is a -- provides a modified version of the League's -- of the administrative adjudication proposal that -- or, bill that we

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passed last year for home rule. This is a modified version of that. It allows -- nonhome rule municipalities to set up code hearing departments to administratively adjudicate municipal ordinance violations, except that's in a very limited way. It provides for rules of evidence at the hearing. A municipal hearing officer can be appointed, who must be a licensed attorney, and it provides some fine-levying provisions. And also, it -- it covers -- the decisions of the hearing officer can be appealed to the circuit court. There was some concerns by some who felt that -- that the provisions allowing the municipality to go to the circuit court were too limited. This really provides that the municipality must go to the circuit court to enforce the decisions of the code hearing department, particularly if the defendant fails to show up for a hearing. A nonhome rule municipality, according to -- according to this bill, may only regulate those matters expressly within the authorized powers of the municipality. I think this is well within the meaning of the -- of the nonhome rule provisions, and I would urge approval.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator Butler. With leave of the Body, WICS-TV News Channel 20 has requested leave to photograph the proceedings. Is leave granted? Leave is granted. Is there discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. Will sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, the original bill is still intact, is it?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler.

SENATOR BUTLER:

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Yes, on the -- or, the reporting provisions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

And -- and what Chapter of the Code and what are the provisions of the original bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler.

SENATOR BUTLER:

It's in the Municipal Code. Do you want actual numbers?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

What does it do?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler.

SENATOR BUTLER:

The underlying bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate...

SENATOR BUTLER:

The underlying bill provides that the record of proceedings of meetings shall be made available for public inspections within seven days. It is now ten days. And this brings it within the realm of the Open Meetings Act.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

So the underlying bill is the Open Meetings Act. The first amendment is the Municipal Code with regard to ordinance violations and administrative hearings, code violations, is that correct?



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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler.

SENATOR BUTLER:

No. My understanding is this is within the Municipal Code, not the Open Meetings Act. It merely brings the two in compliance.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

The second amendment, however, does not amend the Municipal Code, does it? It amends the Counties Code, does it not?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler.

SENATOR BUTLER:

That's correct.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler. Senator Hawkinson.

SENATOR HAWKINSON:

And it has nothing to do with Open Meetings Act, and it has nothing to do with code administration or violations - the second amendment - does it?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler.

SENATOR BUTLER:

No, that's correct.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

To the bill, then, Madam President: You know, we've been much criticized, I think unfairly, for violating the single-subject rule, because for years the practice in this Body, unfortunately, was to put these kinds of pieces of legislation together, and

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much of the Illinois Revised Statutes was enacted in that manner without challenge. However, recently we've had -- recently we've had Supreme Court decisions which have held us to a different standard, perhaps a correct one, but, nevertheless, a substantial change in how we do business. And they've said that we -- we have to stick with the single-subject rule. I don't think this bill does it. To say that they all affect local government is no more a -- make it come within acceptable practice than does some of the court decisions that have failed to uphold some of our other Statutes, which were, for example, all initiatives of State's Attorneys' offices. So I think we just have to be careful prospectively. We shouldn't be enacting a Counties Code provision and a Municipal Code provision that have nothing to do with each other in the same bill, and for that reason, I will be voting No.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator -- is there further discussion? Further discussion?  
Senator Butler, to close.

SENATOR BUTLER:

Well, Senator, to that question, I understand that the burden of that rested in the original House action on the bill; however, there is a -- I've asked for a ruling on that, and my understanding is it is germane. Madam President, can I pull this out for a few seconds till we get that?

PRESIDING OFFICER: (SENATOR DONAHUE)

Out of the record.

SENATOR BUTLER:

Thank...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Bowles, on Senate Bill 1328. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 3 to Senate Bill 1328.

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Filed by Senator Bowles.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Bowles.

SENATOR BOWLES:

Thank you, Madam President, Members of the Senate. The House Amendment No. 3 retains the underlying bill; however, it adds that, under limited circumstances, a stepparent has the legal ability or standing to petition the court for custody or visitation related to a stepchild. Standing to pursue this petition arises only where all - all - of significant list of conditions have been met: a child is at least twelve years old; the custodial parent and stepparent were married for at least five years during which the child resided with the parent and the stepparent; the custodial parent is deceased or disabled and is no longer capable of performing the duties of a parent to the child; the stepparent provided for the care, control and welfare of the child before custody proceedings were begun; and the child wishes to live with the stepparent; and the petition alleges that it is in the best interest of the child to live with the stepparent. It creates a rebuttable presumption that it is in the best interests of the child for the natural parent to have custody. I would move to concur with House Amendment No. 3. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? This is final action. And the question is, shall the Senate concur in House Amendment No. 3 to Senate Bill 1328. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 3 to Senate Bill 1328, and the bill, having received the

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required constitutional majority, is declared passed. If I could have your attention for a minute. Can you please be in your seats? Take your conferences off the Floor. I know things are happening, and there's lots of things going on, but don't discuss it on the Senate Floor. Take it off the Floor. Senators, be in your seat. Senators, please be in your seats. The next will be Senator Mahar, on Senate Bill 1424. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 1424.

Filed by Senator Mahar.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President, Members of the Senate. This is the third version of the DUI legislation that has been before this Body. This removes the objections of the State Bar Association. The new provisions are as follows: Permits the Secretary of State to issue a restricted driving permit for persons subject to the "four strikes, you're out"; permits the Secretary of State to issue a restricted driving permit after one year for second-time DUI offenders; third, the spousal protection provisions of the forfeiture Statute, limit to spouses only; and finally, provides a limitation on the number of court supervisions available for driving while license is revoked to one within in any ten -- ten-year period. As I say, I know of no opposition, and I would move to concur with Amendments No. 1 and 2 to Senate Bill 1424.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the

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Senate. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Jacobs.

SENATOR JACOBS:

Senator, this is the same bill I think you sent over with some modifications, and I think when we sent it over there it had the felony in there for first-time offense. That is out of there, is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

That is correct.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Is there further discussion? Seeing none, this is final action, and the question is, shall the Senate concur in House Amendments 1 and 2 to Senate Bill 1424. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The Senate does concur in House Amendments 1 and 2 to Senate Bill 1424, and having received the required constitutional majority, is declared passed. Senator Luechtefeld, on Senate Bill 1500. Senator Luechtefeld. Out of the record. Senator Peterson, on Senate Bill 1568. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 1568.

Filed by Senator Peterson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

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Thank you, Madam President and Members of the Senate. The original bill provides that a plat of subdivision may be recorded before issuance of building permits for any lots in the subdivision. The intent is to place improved property on the tax rolls in a timely fashion so that property is assessed at proper values and taxing districts have access to correct tax base.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson, just a second. It's just a -- a low rumble going on. I know it doesn't sound as much to you out there, but it is a great deal louder up here. Please be in your seats, take your conferences off the Floor, and give your attention to Senator Peterson. Senator Peterson.

SENATOR PETERSON:

Thank you, Madam President. The first amendment in the House amends the original bill. It's basically a technical amendment. The second House amendment clarifies reassessment and it has to do with -- it provides that routine repairs and maintenance of residential property, as defined in this Section, shall not increase the assessed value of the property. Defined repairs are those that do not increase the square footage, materially alter the existing character or condition or do not upgrade from the original materials. This amendment seeks to clarify the second provision by stating that enhancing the overall exterior and interior appearance and quality of a residence by restoring it from a state of disrepair to a standard state of repair do not materially alter the residence. And this is a clarification regarding existing assessment practices. The Cook County Assessor is neutral and the Department of Revenue is neutral on the amendments. I ask for your support of the concurrence, Amendments 1 and 2 to Senate Bill 1568.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Parker.

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SENATOR PARKER:

Thank you, Madam President. I just have a question to the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Parker.

SENATOR PARKER:

I -- I was reading my analysis here, and I'm a little bit confused on the last paragraph. This says that the -- I'm not sure. Maybe this -- what your amendment does is correct what this says here. But this says here the proposed language in House Amendment -- this does not. This was corrected. I'm fine. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Is there further discussion? This is final action. And the question is, shall the Senate concur in House Amendments 1 and 2 to Senate Bill 1568. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The Senate does concur in House Amendments 1 and 2 to Senate Bill 1568, and the bill, having received the required constitutional majority, is declared passed.

Senator Butler, on Senate Bill 1599. Out of the record. Senator O'Malley, on Senate Bill 1610. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in their adoption of Amendments 2 and 3 to Senate Bill 1610.

Filed by Senator O'Malley.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President, Ladies and Gentlemen of the

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Senate. Senate {sic} Amendments 2 and 3 to Senate Bill 1610 deal with a couple of issues. One -- the -- the -- actually, Amendment No. 3 represents the agreement concerning the original legislation of 1610 that was going to continue to be negotiated over in the House. And I know of no opposition to -- that's agreed language. In addition, Amendment No. 2, which was requested by Representative Hoeft, adds language that allows school districts to sell personal property through sale leaseback procedures. I'd be happy to answer any questions you may have, and I would ask for our concurrence with those two amendments. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? This is -- oh. Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Cullerton.

SENATOR CULLERTON:

Senator, you indicated that it's agreed language. Who -- who were the negotiators in -- in terms of reaching the agreement?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Cullerton, there -- a number of people who were -- expressed some concerns about the IGAP rewrite, or the -- the -- the revision of the IGAP test, and in particular, the State Board of Education participated in the negotiations.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

I'm just curious. What -- what are "show your work" questions?



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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Those are the open-ended questions that were really the subject matter of the criticism of what was going on in -- in the implementation of the broader -- or, the new IGAP to test standards.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton. Further discussion? Further discussion? Senator O'Malley, to close.

SENATOR O'MALLEY:

Again, I'd request concurrence with these two amendments.

PRESIDING OFFICER: (SENATOR DONAHUE)

This is final action, and the question is, shall the Senate concur in House Amendments 2 and 3 to Senate Bill 1610. All those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, 1 voting Present. The Senate does concur in House Amendments 2 and 3 to Senate Bill 1610, and the bill, having received the required constitutional majority, is declared passed. Senator Parker, on Senate Bill 1627. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1627.

Filed by Senator Parker.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. The amendment for Senate Bill 1627 does two things. It changes the incentive grant program into a matching grant program,

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and the second thing it does is adds new language to the University of Illinois Act to change the boundaries referenced in the Statutes for the development area of the South Campus at the University of Illinois-Chicago. And I remind you that the bill itself just creates two new grant programs for the Illinois Board of Higher Education - an incentive grant program and a technology grant program - but then those grant programs now are matching grants. And I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Dudycz.

SENATOR DUDYCZ:

Yes, Madam President. Just a -- a question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Dudycz.

SENATOR DUDYCZ:

Senator Parker, could you describe which five additional blocks are we -- are we adding to this area to square it off?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

The project boundaries are Roosevelt Road on the north, Morgan Street on the west, Union Street and the Dan Ryan Expressway on the east, and the 16th Street Railroad Embankment on the south. Halsted street runs through this site from north to south.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. Senator, can you tell me - the last amendment you described changes some boundaries in the University of Illinois Act, and the original -- the other amendment and the original Act had to do with a matching grant

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program for technology: What do they have to do with each other and why do they -- why would they satisfy the single-subject rule that -- that we now have to abide by?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

This -- this legislation has to do with higher education, and the University of Illinois and the other are grants for higher education.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR PARKER:

I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

This is final action, and the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1627. All those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 48 Ayes, 2 Nays, 2 -- 5 voting Present. Say that again: 48 Ayes, 2 Nays, 5 voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 1627, and the bill, having received the required constitutional majority, is declared passed. With leave of the Body, we'll come back to Senate Bill 1700. Senator Parker, on Senate Bill 1835. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 1835.

Filed by Senator Parker.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

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SENATOR PARKER:

Thank you, Madam Chairman -- or, Madam President, Ladies and Gentlemen of the Senate. The amendments are two. One -- first one is merely technical, changing some of the -- the wording, and the second one takes out bankers as mandated reporters and what it does is put in the word "financial," and they will be working with the Senior Coalition, the Elders' Rights Coalition, on these issues. They need more education in exactly how to address reporting on financial abuses. And those are the only two changes. Otherwise we have this agreed-to language for the amendment for the Elder Abuse and Neglect Act, and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? This is final action, and the question is, shall the Senate concur in House Amendment No. 1 and 2 to Senate Bill 1835. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The Senate does concur in House Amendments 1 and 2 to Senate Bill 1835, and the bill, having received the required constitutional majority, is declared passed. Senator Klemm, on Senate Bill 1867. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1867.

Filed by Senator Klemm.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I move to concur with House Amendment No. 1 to Senate

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Bill 1867. This clarifies, with the help of the Department of Revenue, the original language in the bill to say that if a mental health board does not access all that it is entitled to under the property tax cap, then the unused portion does not default to the governing authority for them to spend and increase taxes, but it just does not get spent. This will help to lower the property taxes for our residents, and I ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Jacobs.

SENATOR JACOBS:

Senator, I -- I think what you're doing is noble, because to take away money from mental health to fund the rest of government is not right, and I know that's what you're trying to take care of. But I -- I do have a question. I -- I guess I'm curious. By doing this action, are we opening the door to have tax cap by fund, rather than by governments?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

No. This is a common practice that we have on individual taxes. This does not allow them to exceed the tax cap in any way, plus what it does, which is different than any other taxing district, it still has to have the budgeted amount and the levy established by the governing authority. Unlike stand-alone tax groups, they can do their own levying, they can do their own budgeting. This will not allow them to do that. It keeps it under existing law.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

So what you're really doing in this case is protecting your mental health funds to ensure that the local governments give them their fair share, rather than including them in the total package, which then is -- is subject to the tax cap, and they move their funds around internally. I think that's a shame that they do that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Senator Klemm, to close? This is final action, and the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1867. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 1867, and the bill, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Previously Senator Butler sought leave to have -- to be able to return to Secretary's Desk, Concurrence, Senate Bills, Senate Bill 1280. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1, 2 and 3 to Senate Bill 1280.

Filed by Senator Butler.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

Thank you. Ladies and Gentlemen, we debated this a few minutes ago, and I have -- it's been -- I have been advised that

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this is an Act concerning local government, and that covers the question of whether or not it's germane. So I would move concurrence.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Only to note that the question of germaneness does not necessarily answer the question as to whether a bill violates the single-subject rule. These have unrelated provisions in the Municipal Code and the Counties Code. I think we've got to learn our lesson as a Legislature and -- and stop taking these House amendments that have nothing to do with the original bill and the original tone. And for that reason alone, I'm going to vote No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate concur in House Amendments No. 1, 2 and 3 to Senate Bill 1280. 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 45 Ayes, 5 Nays, 3 voting Present. And the Senate does concur in House Amendments No. 1, 2 and 3 to Senate Bill 1280, and the bill, having received the required constitutional majority, is declared passed. ...your attention to page 3 of the Supplemental Calendar No. 1, to Secretary's Desk, Concurrence, on Senate Bills. Senate Bill 1700. Senator Donahue. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 3 to Senate Bill 1700.

Filed by Senator Donahue.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

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SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would move to concur in House Amendments No. 1 (and 3) to Senate Bill 1700. If you remember when the original bill passed here, we had taken out -- as it was introduced actually, it contained an omnibus Public Aid bill to bring us into compliance with federal rules and regulations, and I had serious concern about two points of that, and that was one of a central registry and a central disbursement. We've been able to come together and agree on the central registry and that's what House Amendment No. 1 does. And House Amendment No. 3 deletes the private process server language in the underlying bill and that was the change that was requested by the -- the Sheriffs' Association. I think the bill is now in -- in pretty good form, and I would ask for support of the concurrence motion to approve Amendments 1 and 3.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I urge the -- our side over here to please support this piece of legislation. It was in committee today and it has been significantly improved, and I would like for us to give them an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Welch. Patrick Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Welch.

SENATOR WELCH:

Senator Donahue, my analysis says that the -- the Child Support Information Act is repealed. Can you tell me what that



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was and why we're repealing that?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

The bill that we passed last year, Senate Bill 1707, contained language and it's unnecessary now. I mean, it's contained in last year's legislation. We rolled it all into one big Act.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

So it's already in existence. It's just deleted from this bill. Okay. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? If not, the question is, shall the Senate concur in House Amendments No. 1 and 3 to Senate Bill 1700. 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 the Senate does concur in House Amendments No. 1 and 3 to Senate Bill 1700, and the bill, having received the required constitutional majority, is declared passed. ...turn your attention to the bottom of page 3 of Supplemental Calendar No. 1. We will be going to the Order of Conference Committee Reports. On the bottom of page 3 of Supplemental Calendar No. 1 is a conference committee report on House Bill 1699. Madam Secretary, do you have a file -- on file a conference committee report on House Bill 1699?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on House Bill 1699.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

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SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would respectfully request everybody to vote No on this. What we want to do is to kill this conference report and we have already -- appointing a second conference report. And on the second conference report, we will be putting the advisory committee for the immunization issue, which we already voted out of here, and then there is going to be a cancer registry for children. That is an issue for Public Health. And we'd like the opportunity to look at those issues. So please, everybody, vote No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate adopt Conference Committee Report No. 1 on House Bill 1699. 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 7 Ayes, 49 Nays, none voting Present. And the conference committee report is not adopted, and the Secretary shall so inform the House. Top of page 4 of Supplemental Calendar No. 1 is -- a conference committee report on Senate Bill 1031. Out of the record. If you turn your attention to your regular Calendar, the top of page 7, to the Order of Secretary's Desk, Concurrence, on Senate Bill -- Senate Bill 1224. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1224.

Filed by Senator Dillard.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

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

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Senate Bill 1224 is what has been commonly referred to, I guess, as the "date-rape drug bill". And what we're trying to do here is say that a rapist who uses a drug in committing a sexual assault will be prosecuted as if he or she used a knife, a gun or another deadly weapon. And these new types of crimes that are out there often, when they put a drug in somebody's food or drink or it's ingested, renders the victim unconscious and it clouds their memory and is a real problem for prosecutors, especially when your witness does not have a total recollection of what happens out there. So what we've done here is say that if you drug someone without their consent, it is -- it is going to hold extremely stiff penalties, a sentence that will be at least six years and up to thirty years. This bill is supported by the State's Attorneys Association, the Sheriffs' Association and the Association of Chiefs of Police. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not -- Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I have a couple of questions for the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Cronin.

SENATOR CRONIN:

For purposes of legislative intent, Senator Dillard, is it the intent of Senate Bill 1224 to prohibit physicians from providing certain information and test authorization forms to sexual-abused or assault victims who were given certain drugs without their consent?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

No, it's not, Senator Cronin. There's no intention to change

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any relationship between doctors and their patients or doctors and hospitals. If a physician is willing and agrees to participate in this process as the hospital's designated individual for these purposes, that physician should be able to provide such information and material to the victim.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Senator Dillard, is it the intent of Senate Bill 1224 to alter, change, modify or regulate the way hospitals counsel and care for victims of sexual abuse or assault?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Once again, no. Senate Bill 1224 is not intended to affect health care practices and procedures currently in place at hospitals regarding the care and counseling of victims of sexual abuse or assault. The status quo in this regard is unchanged.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Shaw.

SENATOR SHAW:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Shaw.

SENATOR SHAW:

I just wanted to ask one question. Let's assume, Senator Dillard, that we are out in a club. I have my -- or, you have your girlfriend out in a club. You get up and go -- you leave your drinks on the table, you go to the dance floor, you and your friend dance. When you return, somebody has put something in your girlfriend's drink. What happens to you at that point? Do you get charged if she make a complaint, or what happens at that

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point? And how do you -- how do you get out of that? How does one get out of that scenario?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Senator Shaw, nothing would happen to you or me because we didn't place the drug in her drink.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

How do you prove who placed it there?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Senator Shaw, it'd be the same way that I would prove that I didn't shoot somebody. If I was standing in a crowd and a bullet came flying out of the crowd, you would prove that you didn't do it the same way you'd prove a number of other crimes that are on the books today.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

In this -- wouldn't this become your word against hers at that point, plus the fact she have the evidence of the drug in her system? How does -- how do you counteract that? She has the drug and you just -- and she's complaining about you. She have the drug in her system. How do you get around that?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

You have to prove beyond a reasonable doubt, or the prosecution would against you, that you were the one that used and

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put the drug, first of all, in her food or drink, and secondly, that you actually criminally, sexually assaulted someone. But again, it's beyond a reasonable doubt. There's no inferences in here, and this is no different than some type of offense that's on the books today, in terms of your innocence. You are assumed innocent.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Trotter.

SENATOR TROTTER:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Trotter.

SENATOR TROTTER:

Yes. Senator Dillard, I certainly understand the intent of your bill and I applaud you for putting it forward. Just one question. Seemingly, one of the groups that would be wholly, wholly in favor of this, the Illinois Coalition Against Sexual Assault, is opposed to it. What is that about?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

What I think it's about, Senator Trotter - and I wholeheartedly disagree with them - is they believe that if a woman or a man, whoever was assaulted, takes a drug test, the test that would be used here to elevate this to a aggravated type of situation, if there are other, for example, illegal drugs that come up in the urine test or the test, such as cocaine or something like that, that it would be used against that witness in a trial. And again, I guess I have to say what I said to Senator Berman when we debated this bill on 3rd Reading. The test to make this an aggravated offense is voluntary, and if a woman or a man, whoever was sexually assaulted, does not want to take the test to

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elevate this to the aggravated offenses - it's voluntary - they don't have to take it. And secondly, if you don't take that test, there already are laws on the books today to put behind bars, if you can have the State's Attorney prove it, that person for the laws that are on the books today. So you can -- already, if you prove this person guilty, send them to jail. But what this does is it aggravates the penalties for this type of offense, makes it a little easier. But the test is voluntary, Senator Trotter. They just want total immunity if any other illicit drugs show up in the test, and, believe me, the State's Attorneys Association would be opposed to letting people off carte blanche that might have other drugs, illegal drugs, in their -- their test.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there further discussion? This is final action, and the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1224. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, 1 voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 1224, and the bill, having received the required constitutional majority, is declared passed. Introduction of Bills.

ACTING SECRETARY HAWKER:

Senate Bill 1946, offered by Senator Carroll.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm, for what purpose do you rise?

SENATOR KLEMM:

Madam President, as long as we have a lull right now, I thought I would announce that the Executive Committee will be

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meeting at 8 o'clock tomorrow morning in Room 212. We have one or two items. It'll be short, but I want to at least let everybody know we do have a meeting. 8 o'clock, 212. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Messages.

SECRETARY HARRY:

Message from the President.

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

Human Services, specifically: House Bill 383; and

Governmental Ethics, specifically: House Bill 672.

Filed May 20th, 1998, and signed by President Philip.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Re-referred from the Executive Committee to the Rules Committee - House Bill 672; re-referred from Insurance and Pensions Committee to the Rules Committee - Motion to Concur with House Amendment 1 to Senate Bill 1901; referred to the Committee on Education - Senate Amendment 8 to House Bill 2844; to the Committee on Executive - Senate Joint Resolution 73; to the Committee on Judiciary - the Motion to Concur with House Amendments 1, 2, 3 and 4 to Senate Bill 1506; to the Committee on Licensed Activities - the Motion to Concur with House Amendments 1 and 2 to Senate Bill 1251; and Be Approved for Consideration - Senate Bill 600 and House Bills 383 and 672.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Supplemental Calendar No. 2 has been distributed. It is



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sitting on each Member's desk. If you bring your attention to Senate Supplemental Calendar No. 2, in the Order of House Bills 2nd Reading. House Bill 383. Senator Cronin, do you wish the bill read? Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 383.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bill 672. Senator Butler. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 672.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 74, offered by Senators Luechtefeld, Myers and others.

And Senate Joint Resolution 75, offered by Senators Kehoe, Welch and others.

They're both substantive.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Chair appreciates the attentiveness of the Body. Chair will remind the Membership that there will be committee meeting notices going out this evening for tomorrow morning. There will be committee hearings tomorrow morning. Notices will be -- will be coming out this evening. Is there any further business to come before the Senate? Senator Demuzio.

SENATOR DEMUZIO:

Well, could you give us the courtesy of telling us what time

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and what committees are going to be meeting in the morning? When -- when we leave here, then we have no way of any communication. I mean... In the mail. I heard that. I like that one. That's good.

PRESIDING OFFICER: (SENATOR DUDYCZ)

We'll get back to you in a moment, Senator Demuzio. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, what time are we coming in tomorrow?

PRESIDING OFFICER: (SENATOR DUDYCZ)

We will be going -- coming in at 10 o'clock tomorrow morning. Senator Demuzio.

SENATOR DEMUZIO:

I was going to ask that same question too, but...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Well, you can come in at 10 also, Senator Demuzio. Senator Demuzio, there will be committees meeting tomorrow at 8, 8:30 and 9 o'clock, and the postings will be on the Senate bulletin board in a few minutes. They will be all posted outside the Senate Chamber on the bulletin board. The Chair has not received the -- the schedule of which committee is meeting at which room at which time yet, but they will be posted shortly on the bulletin board. Senator Demuzio.

SENATOR DEMUZIO:

Well, then, for other -- further edification, are we, in effect then, wrapping up our business at this moment so...

PRESIDING OFFICER: (SENATOR DUDYCZ)

That's correct.

SENATOR DEMUZIO:

You know, it reminds me of going to college -- back to college where I have to stand around now and wait to see what's being posted on the board so I can find out so I can leave the building.

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I mean, we don't have any idea what committees are meeting tomorrow? Surely we know what -- which ones are going to meet.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further business to come before the Senate? If not, Senator Weaver moves the Senate stands adjourned until the hour of 10 a.m., Thursday, May 21st. The Senate stands adjourned.

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