

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

80th Legislative Day

February 25, 2000

PRESIDENT PHILIP:

The regular Session of the 91st General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? Our prayer today will be given by the Reverend Jonathan Grubbs, First Church of God, Springfield, Illinois. Pastor Grubbs.

THE REVEREND JONATHAN GRUBBS:

(Prayer by the Reverend Jonathan Grubbs)

PRESIDENT PHILIP:

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

SENATOR RADOGNO:

(Pledge of Allegiance, led by Senator Radogno)

PRESIDENT PHILIP:

Reading of the Journal. Senator Myers.

SENATOR MYERS:

Mr. President, I move that reading and approval of the Journals of Wednesday, February 23rd, and Thursday, February 24th, in the year 2000, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Myers moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

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

House Bills 3111, 3465, 3469, 3485, 3951, 4029, 4300, 4347, 4352.

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Another Message on House Bill 709, and a third Message on House Bills 3430, 3988 and 4266.

All passed the House, February 24th, 2000.

PRESIDENT PHILIP:

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 709, offered by Senator Cronin.

(Secretary reads title of bill)

Senator Dudycz offers House Bill 3465.

(Secretary reads title of bill)

House Bill 3469, Senator Roskam.

(Secretary reads title of bill)

House Bill 3840, by Senator Cronin.

(Secretary reads title of bill)

House Bill 3981, Senator Lightford.

(Secretary reads title of bill)

Senator Bowles presents House Bill 3988.

(Secretary reads title of bill)

House Bill 4093, offered by Senator Karpel.

(Secretary reads title of bill)

And Senator Geo-Karis offers House Bill 4341.

(Secretary reads title of bill)

Also, House Bill 4043, by Senator Parker.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT PHILIP:

Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1952, offered by Senator Lauzen.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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On page 2 of today's Calendar is the Order of Senate Bills 3rd Reading. The Chair would remind the Membership that today is the deadline for Senate Bills on 3rd Reading, and it is the intent of the Chair to proceed to recall and then to final passage and get you folks on the way home. The bottom of page 2, in the Order of Senate Bills 3rd Reading, is Senate Bill 1404. Senator Wendell Jones, do you seek -- do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Jones seeks leave of the Body to return Senate Bill 1404 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1404. Mr. Secretary, are there any amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Wendell Jones.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

SENATOR W. JONES:

This -- this bill -- Mr. Speaker {sic}, this bill amends the audiological Act and basically changes the audiologists to be registered in only one place in the State instead of two. It makes a small modification in fees, and the amendment that we're proposing has been approved by the Department of Public Health and the hearing aid dispensers.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On top of page 3, in the Order of Senate Bills 3rd Reading, is Senate Bill 1453. Senator Radogno, do you wish

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this bill returned to 2nd Reading for purposes of an amendment? Senator Radogno seeks leave of the Body to return Senate Bill 1453 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1453. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Radogno.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. This amendment makes this bill a shell.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Bottom of page 3, in the Order of Senate Bills 3rd Reading, is Senate Bill 1588. Senator Molaro. Senator Molaro. Out of the record. Top of page 4, in the Order of Senate Bills 3rd Reading, is Senate Bill 1658. Senator Robert Madigan. Senator Madigan, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Robert Madigan seeks leave of the Body to return Senate Bill 1658 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1658. Mr. Secretary, are -- are there any Floor amendments approved for consideration?

SECRETARY HARRY:

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Amendment No. 3, offered by Senator Robert Madigan.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR R. MADIGAN:

Thank you, Mr. President, Members of the Senate. Floor Amendment No. 3 to Senate Bill 1658 adds a provision concerning pooling agreements pertaining to a participating employer's notice to the administrator of their intention to cease participation and adds to the legislation language that prohibits pool administrators from requiring any more than ninety days' notice from participating employers wishing to leave that pool. I would ask 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. 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. Bottom of page 3, in the Order of Senate Bills 3rd Reading, is Senate Bill 1588. Senator Molaro. Senator Burzynski, for Senator Molaro. Do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Burzynski seeks leave of the Body to return Senate Bill 1588 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1588. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Molaro.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

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SENATOR MOLARO:

Thank you, Mr. President and Members of the Senate. This is a technical amendment only. We put the word "public service" and it should have been "public safety". So all the amendment does to the entire bill is change the word from "service" to "safety".

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Okay, we will now go to -- through the Calendar one time. Ladies and Gentlemen, to the Order of Senate Bills 3rd Reading. At the conclusion, we will be adjourning so -- to go home for the weekend. So if you turn your Calendars to the top of page 2 in the Order of Senate Bills 3rd Reading, first bill is Senate Bill 807. Senator Karpiel. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

Senate Bill 807.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

Thank -- thank you, Mr. President. In 1974, the Health Facilities Planning Act was created with the goals of improving the cost, quality and availability of health care. It was formed to comply with a federal mandate. In the last twenty-five years, very little change has been made to the Act, but many advances and changes have been made in the industry. Senate Bill 807 seeks to make a few needed changes to this Act. One of the things it does

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is it raises the capital expenditures minimum threshold from 2.7 million to 7 million dollars. This change will allow a hospital or other regulated entity to make some smaller improvements and modifications without being subject to the burdensome and expensive certificate of need process. The change will allow the Board to -- to focus its attention on important larger projects, such as building a new hospital or offering a new service. It is important to note that if a hospital wants to offer a new area of service that is under the proposed minimum, it still is subject to review as a new service -- as a new service area. It just can't go and start a new service or build a new hospital or anything like that, even if it is under the -- the -- the cap, without a certificate of need. This change puts us in the middle of the rest of the country. Eighteen states do not have a certificate of need for hospitals, and thirteen states have no certificate of need at all. And many states have been repealing their -- their Act. The second thing that it does, and, to me, this is a very important provision, is that it exempts nonclinical expenditures from the certificate of need review. The bill specifies what those services are. It has to be in an area that is for the benefit of patients, visitors or staff. It can't be a couple of miles away or anything. And it includes, but not limited to, chapels, gift shops, computer systems - not medical computer systems - dining areas, parking facilities, ventilation -- ventilation and that type of thing. All of these projects -- these are projects that are not directly related to the delivery of health care. Even the Governor's Office of Statewide Performance Review, State Government Accountability Council, says that the certificate of need process should only apply to direct patient services and delivery in health planning. It makes -- the bill also makes a small change in the -- the Board, the hospital membership on the Board - noncontroversial. It calls for the

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Auditor General to perform an audit before January 1st, 2002, to determine whether or not the Act is working the way it should by controlling health care costs, et cetera. And it puts on -- a sunset on the Act until July 1st, 2003. And I ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. In my work in the Appropriation Chair, I do a lot with hospitals that are subject to the jurisdiction of the Health Facilities Planning Board and they share with me, frequently, the costs associated with the current Statute. In many ways, for the last few years, I've been frustrated by the process the Health Facilities Planning Board uses and the fact that it's not more open to the public and it's not more rational. In fact, several years ago, I worked on a bill which would have repealed the Health Facilities Planning Act and removed this Board. I think Senator Karpel has done an exceptionally good job of trying to compromise the interests of those people who know that we still need some regulatory mechanism, yet taking into -- into consideration the modernization of the industry. So I just stand and rise in -- in support of this bill and hope that we help the Health Facilities Planning Board move forward and kind of embrace what's going on in the future of health care. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senator Karpel has done a yeoman's job, trying to put this together. The only thing that I'm a little concerned with, and I think we have to be concerned with in the General Assembly - and



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some of the Senators that were in committee brought this up - is, actually, the sunset clause. I don't want to get into the guts and bolts of the bill because they're so difficult to understand. All the work you've done and there's still some questions that are outstanding. So it's a very difficult bill. I know that the Illinois Medical Society, the Campaign for Better Health Care are against the bill. But let me tell you my concern. This Board -- this hospital Board is supposed to be independent. The reason we have it there is that you can't go and people with money or Senators can clout whatever they need for the Board. Now, we have this sunset provision that says the Illinois Health Facilities Planning Act shall cease to exist on July 1st, 2003. Now, I understand that maybe what the sponsor's trying to do is say, "You have to clean up your house, and if you do it, you're going to be fine." But what it -- it might send the message is that the -- this Board would have to, then, come back to us to stay in existence. So it could look like we're saying, "Hey, you better treat Senators right when they call you and you better do what we ask you to do; otherwise, you're going to be out of existence." And I think it's bad public policy. Now, I may like it that way. I might like the idea that all these boards better do whatever I ask them to do or they're out of existence. I -- I kind of like that. But I think it's a -- a bad public policy statement to say, "Here's what we're doing; here's your bill. You got till July, 2003, and you better do what we tell you to do and do what we like; otherwise, you're going to be out of existence." The rest of the bill I really have no quarrel with. So technical, I can't even understand most of it. But the policy that we're setting that it sunsets and the message is clear, "Do what we ask or you're gone", is -- is sort of bad public policy. And for that reason, reluctantly, I -- I'll probably vote No. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I am a supporter of the Illinois Health Facilities Planning Board. I think they have done a very good job and have been a great credit to us. The reforms that Senator Karpiel's asking are not that great. I mean, they're okay; they're needed reforms because we have a changing generation and changing -- and change is going on. However, I'd like to ask the sponsor a question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Your bill does not preclude their plan of action, whatever it may be; it simply sunsets it till 2003. But you have not put any term limitations on the Board, have you?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

No, that was in an earlier version. It is not in this amendment.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

And this bill still makes it a policy of the Illinois Health Facilities Planning Board to do what they think is best in any particular given situation before them. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

Yes. Yes, it is.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

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SENATOR GEO-KARIS:

I am going to support your bill. I'm predicating it on the fact that in 2003, this facilities Board can still continue, because I've had occasion to appear before the Board and I've always found them to be very honorable and very thoughtful and very conscientious. And I'm going to support your bill simply for some of the changes you want, but I do feel that the Board is a necessary board for the health facilities of Illinois.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Madam -- Mr. President. I'd like to ask the -- the Member a question - Senator Karpiel - if she will yield, please.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Demuzio.

SENATOR DEMUZIO:

With respect to the Audit Section on page 21, in -- in that Section, we are commanding the Auditor General to commence an audit of the State Board to determine whether the State Board can demonstrate that the certificate of need process is essential in controlling health costs, allowing public access to necessary health services and some other matters; whether the State Board is following its adopted rules and procedures; and whether it's consistent in awarding or denying certificates; and other things, and then the Auditor General reports back. Do we not now -- does -- does -- does the Auditor General not now conduct an audit of the Health Facilities Board?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

Senator Demuzio, I don't honestly know if they do, but if they

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do, I would think it's a financial audit and not an audit of this scope.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I'm going to support your bill this morning, but I have a couple of concerns. One is, is that we're raising the threshold from 2.7 million to 7 million for approval by the -- by the Board. I think that -- frankly, I think that -- that -- that number is too high. I know you compromised on that number, from earlier discussions I had with you, but I think that's way too high because I think that pretty much leaves the Health Facilities Board with not a great deal to do during this -- this next two-year period. And secondly, I'm concerned that we are commanding the Auditor General to do an audit, a management audit, and then we are repealing the Act, regardless of what he says, as of July the 1st of the year 2003. What good does it do -- do to do the audit if we are automatically repealing the Health Facilities Board as a result of your legislation?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpziel.

SENATOR KARPIEL:

Excuse me, Senator. Well, first of all, I do want to say that in -- putting a sunset on the -- on the Act is not unusual in -- in the General Assembly or not unusual in our boards and commissions. All licensing Acts, our MAFBE Act, the AFDC program, the Radiation Protection Act, almost all of these Acts that we pass have a sunset on, so it's not that unusual. The reason that I put the sunset on was severalfold. First of all, Senator Molaro mentioned the Med Society. The Medical Society's reason for not supporting the bill, they said, is because they are -- what they really want is an all-out repeal. Other interests, of course,

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don't want an all-out repeal. A sunset was sort of a compromise between the status quo and the all-out repeal. The most important reason I put the sunset on is because we're going to have this audit going on in the next year and later on I'll be -- putting in a resolution at the -- actually at the suggestion of the Chairman of the Health Facilities Planning Board, I'll be putting in a resolution to form a task force that will study all the other issues that are -- that came up in our hearings this summer and that -- they can study all these other issues that are now out of the bill and make their report, also, by next year, July 1st, 2001. And then there'll be a couple of years to see whether or not these changes and their recommendations and -- will improve the -- the -- the Board's operation, and when the sunset comes up, as we do with a lot of other things, it can be extended; it can be repealed. The Legislature will be -- will be able to act, which we do, as I say, in a great many other boards and commissions of the State.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I guess that's probably one of the greatest problems that I have with this bill and that is that we're going ahead conducting the audit and we're automatically saying that we're going to repeal the Act. I don't quarrel with the fact that we need a health facilities Board; I quarrel with the fact -- at some of the things that they have recently been doing, because I am a trustee of a hospital myself. But I would hope that this bill when it reaches the House -- I suspect that there'll be additional discussion relevant to the points that we just talked about and, hopefully -- do you see this bill coming back here? Do you see this bill being changed in the House and coming back here in a -- in a different form?

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

I would certainly hope that it would either be passed as it is or come back here to make some minor changes. I would be willing -- amenable to -- as Senator Jones suggested in committee yesterday, of making the task force -- writing that into the -- into the bill. I was also - myself - I was also in agreement to negotiating the seven million downward, but we couldn't get an agreement or really hardly any negotiations to work on that. So if it comes back with some changes made that are agreeable, yeah, I'd like that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I guess the -- again, I -- I guess the major thrust here that bothers me is the -- is the sunset provision. Are you -- are you willing to -- to discuss in the House some -- perhaps taking that out or modifying that or waiting for the audit to be conducted or waiting for this period of time afterwards to determine whether or not they're taking the recommendation of the Auditor General and making suggested reforms? I would hate to be in the position that I am doing away entirely with the Health Facilities Board, 'cause I think there is a need.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

Senator Demuzio, this -- the sunset provision is kind of a hammer to make sure things happen and -- and keeps on, you know, keeps going. Sometimes when you don't have that, as you know, legislatively, the status quo - things just keep going on the same way as always and changes aren't made. That's just kind of a -- a

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hammer. But, we'll see. However the bill comes back from the House, I am very willing to look at it and then we'll see what we'll do.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. I just wanted to rise in support of the lady's bill. I have a -- a hospital in my district - I'm sure people are aware of it - Northwestern. They obtained a permit to replace that hospital. They did a great job. They brought it -- construction on time and within budget. However, they were not included -- the -- the hospital beds were not included in the original permit, so they had to go to this Board to obtain a permit to purchase beds for the new hospital. Cost of five hundred and eight beds was over the threshold. And with this bill, this would eliminate the need to review this type of project. Now, it might seem like a small measure, but the hospital had to pay a fourteen-thousand-dollar fee to the State Planning Board staff to write a report that said, yes, you do need beds to operate a hospital. And they had to hire lawyers to do the same. So it -- it really -- the -- the provision in the bill that raised the threshold is very much needed and gives me a very strong argument to -- to make to you to support the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Parker.

SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of this bill. The -- the Board certainly has been honorable when we've dealt with them. However, this bill, in many commonsense ways, can help them do their job, and particularly it will exclude them from review projects that do not

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include and involve clinical services. And this means that expenditures for computer systems, telephone systems, parking garages and heating systems will not have to obtain a CON. Under this system now, the State has you coming and going. On the one hand, they tell you that you have to do architectural improvements to meet life and safety codes. You want to do that because you care about safety at your facility. But another entity in State government wants you to pay more money - that you could really use for other repairs and patient care - get approval for a project that you are being required to do. It seems ridiculous to be going through all of that problem. There is no reason that we need to have a State bureaucracy approve such expenditures by private businesses. It's hard to believe that a State bureaucracy is better able to make these decisions from the management and governing board of the health care facility. The Planning Board can better spend its time and resources reviewing major clinical expenditures. This gives them that opportunity. It has a three-year sunset. I commend the Senator for her work on this and urge a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Jones. Emil Jones.

SENATOR E. JONES:

Yeah. Thank you, Mr. President. This bill had somewhat of a discussion in the Senate Exec Committee and the sponsor, by her own admission, that it does need further work. However, one portion of the bill, when you raised the threshold from three million to seven million dollars, and you talk about the certificate of need should only deal with patient care. Well, when you're doing major improvements in that amount of dollars and sometime, knowing how they operate, they can string it out over seven years just to keep it under seven million dollars. It could be a thirty-million-dollar project. But the physical plant, the



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building, all the capital needs, also has something to do with patient service, patient care. You cannot separate the two. This is -- this is a major amendment that was placed on the -- on the -- on the bill, because it is an attempt to gut the authority that we've given the -- the Health Facility Planning Board. It would be nice if you would send the bill over to the House with just those provisions that say we're going to look at this, study this and come back with a report. This is not a small change that you are placing on this legislation. Patient care is -- is something of utmost importance to all the people in the State of Illinois. There are many hospitals who are in dire need. Certain areas of -- of the State need -- need hospitals to take care of patients' needs. That is the reason why you -- we have the Health Facility Planning Board. But to try to ram through something, at the same time hold a hammer over their head, telling them if you do not come back and do the things that we want you to do, politically, we're going to disband this Board. There are many hospitals in the underserved areas of the City of Chicago and downstate, and if one of the big conglomerates come in, they may put up a hospital with not the intent of delivering patient services, but only to -- to get the resources, get the dollars and not really serve the community. That has happened to some hospitals in the City of Chicago and also downstate. Many -- many of the resources come from the big conglomerate, not the health care facility located in -- in the community. There have been many attempts from Members on your side of the aisle who have placed bills in to actually delete all the powers of this Board. So when you talk about whom you sat down and talked with, those persons, the consumers - the consumers who need these services - they were not at the table. I've seen nothing in the bill to address the needs of the consumers. So, again, the best thing we can do on this bill, Senator, I would think, is hold it here, vote Present and send a shell bill out

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along with a commission to study and see if we can come up -- with some results. But to try and pretend that these changes are minor -- to try to give the impression that the changes you have in here are minor, this change that you have in this -- in this bill is major, as it relate to delivery of health care services to the people of the State of Illinois, and I -- I urge a Present vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. I rise in support of Senate Bill 807, and I do so and say at the outset that I'm not going to stand before you and be critical of the Health Facilities Planning Board. I think they have made some mistakes. I think they have not followed the guidelines that they've been established in law to follow. I, frankly, view them more as an agency that works somewhat like the Commerce Commission, where you deal only in facts. And I don't think that's always been the case. Each and every one of us in this Chamber have written either for or against an application. And we do it for political reasons, because we support a hospital or some other entity. And I think those -- those letters should be ignored. I think we should have no part in that. I think that the Board should deal only in facts, and we've kind of gotten away from that. We are at a critical crossroad in this country right now. Do we go to for-profit health care delivery or not? How do we deal with our not-for-profit hospitals? They're two separate and distinct entities and we've got to be sensitive to that. And because of that, the Health Facilities Planning Board can play a very critical role. Senator Karpel has worked hard on this. Others have as well. It's time for us to stop, take a look at this, and then move in the direction that we, as a Legislature, think we ought to do. I think this is a good first step and I

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commend Senator Karpiel for this effort.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes, thank you very much, Mr. President. I, too, rise in support, and Minority Leader mentioned about ramming this bill through. He may not have been in the same Executive Committee meeting that I've been in where this bill's been debated, I believe, on two occasions, extensive debate and discussion. And I think it's a far cry from ramming it through. There's been a lot of deliberation on this -- this piece of legislation. One thing that I'd like to mention in regard to the seven-million-dollar threshold and some think that this is maybe too high, there's some eighteen states that don't have a -- a certificate of need process. Either they have eliminated it or they don't have it. And those states include California, Texas, Ohio, Indiana, Pennsylvania, Wisconsin, and Massachusetts has a nine-million-dollar threshold. So I think seven million dollars is a reasonable figure. And those of us that represent rural areas, the hospitals in my area are represented by boards of directors and these aren't people that are put on there just to spend money willy-nilly; they are there to do and make responsible decisions and they will do that. And I don't think that there should be concern that they're going to frivolously go out and build these statues to memorialize their position on the board. They're going to spend money responsibly. So, I think the local control aspect of -- of our smaller rural hospitals should indicate that this is the right direction we should take, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR KARPIEL:

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Thank you, Mr. President. I'd like to thank everyone who has spoken on this issue. It is a rather important issue. I -- I, too, would like to just make a few comments to the comments that were made by the Minority Leader. One is that if you're talking about hospitals in rural areas and not being able to get -- somebody being able to just come in and build a great big hospital or whatever you were referring to, I do want to reiterate that no new hospital, no new construction, no new procedure can be done without a certificate of need. This bill does not change that at all. This bill has to do with nonclinical services, not the -- the -- the life-and-death issues that the Minority Leader was talking about, not medical issues, but nonclinical things, such as parking garages. Central DuPage Hospital, which is in my district, paid 8.2 million dollars for a parking garage for their staff. They had to go for a certificate of need and go through that whole bureaucratic process at -- to -- at a cost of thousands of dollars to get consultants and lawyers and work, for a parking garage for their staff. This would have eliminated that. The seven-million-dollar threshold, by the way, if it had been in place and on the books last year, would have only accounted for ten percent of the total dollars that are spent by hospitals. So we're not talking of this huge change, that all of a sudden this -- by raising the cap, we're going to just affect all kinds of things. I know it's late. Everybody's tired of hearing this. I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 807 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 47 Ayes, 3 Nays, 9 voting Present. And Senate Bill 807, having received the required constitutional majority, is declared passed.

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Senate Bill 1287. Senator Myers. I'm sorry. Senate Bill 1281.  
Senator -- Senator Myers. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

Senate Bill 1281.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Myers.

SENATOR MYERS:

Thank you, Mr. President, Members of the Senate. Senate Bill 1281, as -- amended, amends the Agricultural Fair Act to exempt county fair departments and classes limited to junior exhibitors from the requirement that no department or class shall be awarded premiums in excess of thirty percent of the total premiums awarded by the fair from State funds. It extends the date that the county fair must file claims for money from the Premium Fund from June 15th to June 30th. States that appropriations from the Fair and Exposition Fund may only be used for financing agricultural, educational, trade and scientific exhibits. It also goes into other changes, some of which were requested by the U of I Extension Service. And I would ask that you give me a favorable vote. I'd be glad to answer questions, if there are any.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1281 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 59 Ayes, no Nays, none voting Present. And Senate Bill 1287, having received the required -- 1281, having received the required constitutional majority, is declared passed. Senate Bill 1283. Senator Philip. Senate Bill 1288. Senator Dillard. Mr. Secretary, read the bill, please.

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SECRETARY HARRY:

Senate Bill 1288.

(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 bill comes at the request of the Illinois Propane Gas Association and is introduced in order to discourage individuals from illegally filling propane storage tanks, which apparently has become a problem. Currently, there's a two-tiered structure of fines for somebody who illegally fills a propane tank. It's a hundred to five hundred dollars for the first offense and up to a thousand dollars for a second or subsequent offense. This makes it a flat one-thousand-dollar fine for illegally filling a liquefied petroleum tank and it's there to discourage this type of activity, which not only is theft, but also a safety problem. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1288 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. Senate Bill 1288, having received the required constitutional majority, is declared passed. Senate Bill 1310. Senator Watson. Senate Bill 1316. Senator Geo-Karis. Senate Bill 1341. Senator Syverson. Senate Bill 1368. Senator Cronin. Senate Bill 1391. Senator Radogno. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

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Senate Bill 1391.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. This bill will apply to limestone quarries in PM10 nonattainment areas, so in those areas of the State only that have a problem with their air quality. It will require the EPA to -- during hearings on certain air permit applications, to consider and approve or disapprove fugitive dust control plans. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1391 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 55 Ayes, 4 Nays, none voting Present. And Senate Bill 1391, having received the required constitutional majority, is declared passed. Senate Bill 1393. Senator O'Malley. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

Senate Bill 1393.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, Senate Bill 1393, as amended, gives the Illinois Commerce Commission authority to require certain minor changes or improvements at grade crossings to reduce grade crossing blockages

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by trains. It also creates the new offense of chronic obstruction of a grade crossing in the Chicago switching area. We have looked at this bill in two previous versions that we have sent to the House and, for whatever reasons, the -- these bills were previously killed in committee there. Believe this bill is a substantial improvement. Specifically with respect to the chronic obstruction offense, once railroad is so designated, the penalties for obstructing the grade crossing would be a Class C misdemeanor offense, and for a second and subsequent offense, a Class B misdemeanor. Also provides that a railroad employee who's not a supervisor may not be prosecuted under this provision for any act or omission committed under rules or orders of the railroad or its supervisory personnel. We also, by the amendment that was added in committee earlier this week, made it clear or tried to clarify what the -- the offense would actually be, to set up some objective standards, and provided for the manner in which the -- the findings of the Illinois Commerce Commission would be communicated to the State's attorney where the crossing is located. Be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Yes. Thank you, Mr. President, Members of the Senate. You know, my concern with this -- this legislation is - and I talked to the sponsor some on -- in committee - is, you know, we need to be very careful about what we're doing with these railroads at this time. I think we need to concentrate more on overpasses and things of this nature. You know, all of this nation's inventory at this time is either in these trucks or on these railroads. And I think, you know, if we slow the railroads down enough, it'll be still more traffic -- traffic out on -- out on our highways. And, as I say, we're -- now we're almost wall-to-wall trucks. So, you



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know, and there's only one or two -- one or two crew members on these -- these trains now. If we put one or two of them in jail, we won't have anyone to run 'em. But I -- I do have concern that these trains are carrying such -- such loads of -- of inventory now, that -- that we need to be very careful about creating any problem for the railroads right at this time. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Jacobs. Further discussion?  
Senator Shadid.

SENATOR SHADID:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Shadid.

SENATOR SHADID:

I notice that you still have -- this is going to be a criminal offense if they're in violation. Now, I sort of have a problem making this a criminal offense. I think what we ought to do -- is that correct? Is it still a criminal offense, Senator O'Malley?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

This legislation, as it's crafted, would indeed make it a misdemeanor. That's correct, Senator.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Shadid.

SENATOR SHADID:

I think what we ought to do is let Senator Molaro's bill we just passed, Senate Bill 1136, which is similar to this, only it does not provide for criminal prosecution. What it did was raise the limits -- or, raise the penalties and -- and fines. So, I

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think, we ought to just wait for that and see what the results is of that before we do something more drastic.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes, thank you -- thank you very much. I'll tell you what's criminal, just take a look at what you've got here on your desks that was just passed out, where you've got three emergency vehicles being held up by a train -- blocked train. We have this go on in my district all the time. We -- I have a mayor in my area, Charlie Rakers, Mayor of Aviston, has stood out on the tracks to block trains from -- from blocking crossings in his particular hometown. It's totally abused. We need to send a strong message to this industry that that isn't going to be tolerated. So I obviously support Senator O'Malley in his effort.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of this legislation and I, too -- in my community, they're using the -- the crossings as a parking lot in Dolton, Riverdale and also Harvey. And we've had numerous meetings with -- with these people. And they don't seem to be willing to come to the table and certainly we did get 'em to the table a couple of weeks -- a couple of weeks ago. But something need to be done because -- and a part of Dolton, Illinois, with the new tracks that they put in, they cut off an entire portion of the community where there -- no ambulance service, no fire equipment, none of this can get into that community once they block all of the exits. And I think that this bill will send a strong message to the industry that something need to be done. We don't want to leave the people unprotected in these communities,

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as they have been in the past. So I urge a Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Parker.

SENATOR PARKER:

Yes, I rise in favor of this bill. This has been an ongoing problem in southern Cook County, for both Senator Shaw and Senator O'Malley, for years. Certainly, it would be nice if we don't have to talk about criminal penalties, and we understand their concern. But their concern is fine because then we can get their -- because we are getting their attention to this problem. It hasn't been solved. There are things people are working on, but even they admit, we have to keep the feet to the fire, we have to get their attention. You can't have pictures where you have three vehicles for emergency situations blocked at train crossings, an hour and two-hour delays where people wait. They -- we need to get their attention and we think that this will do it and solve this problem so we don't have to be talking about this issue, that it can be solved and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR O'MALLEY:

Yes, thank you, Mr. President. Let me take a couple of minutes, and I'm sorry to take that time, but this is a very -- this is an extremely important issue. And I'd like to share some information with all of us so that we have it. Senator Watson pointed out the photograph that was shared with you. That photograph is not in Pat O'Malley's district; it's in Senator Shaw's district at about 135th and Western Avenue. I don't have a photograph to share with you today that would be in Pat O'Malley's district at 127th Street near Francisco where children, every day, on the way to and from Eisenhower High School in Blue Island, have to literally crawl between trains in order to get to school on

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time. This is a condition that has existed now for years. Now, you know, for those of us who grew up in the Chicago area, we almost say, "You know, this is normal. This is part of what our quality of life is about." It has been since I was a young boy. But you know what? It has ratcheted up in recent years. Last week, the railroad industry finally came to Springfield. They decided they would share some information with us. I want to share some of that information with you. It takes a hundred and fifty hours to run a -- a freight train from New York City to Los Angeles. Seventy of the hours for ninety percent of the freight traffic in this nation are spent in the Chicago switching area. That's outrageous. It's not only outrageous for those of us who live in the Chicago switching area because of the chronic obstruction that this bill attempts to get at, but it's a national problem, Ladies and Gentlemen. And it's one that calls for a national solution, and we need to do something about it. Having said that, I also recognize, as Senator Shaw does and other Members here do, that this is an industry that's got big shoulders. And if we don't keep the pressure on them, Ladies and Gentlemen, and let them know that they have to do the things in the Chicago switching area and other parts of Illinois where we have these serious blockages, that our quality of life will be severely limited for generations. It is our obligation to do something about it. I'm told by people inside the industry this is the only piece of legislation they're reacting to. Last year, I joined with Senator Molaro because he had a wonderful bill. And what did the railroad folks say? Well, they knew that was going to get out of here, they knew my bill was going to get out of here. When we both got to the House, then they use that as trades goods and say, "You know what? We'll work on Senator Molaro's bill," which I was a cosponsor of, "We'll help that get to the Governor's desk, but we'll kill O'Malley's bill because it's more

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onerous." And then what did they do when it got to -- and by the way, some of you, I saw you over in the House working on it, doing everything you could to make that bill a reality. What happened? Yes, Senator DeLeo, you were working real hard. They did everything they could to kill it over there before it could even get to the Governor's desk, although that's what apparently they wanted to lead us to believe that was going to happen. When it got to the Governor's desk, what did they do? They did everything they did to pare it down so, yes, it's a marginal improvement over what the -- the rules and regulations and requirements were before. I say to us, I say to the citizens of Illinois, the time has come for us, the crossroads of the United States for the rail industry and much of transportation, to send a strong message to a major player in our marketplace: Be a partner with us. They're not a partner, Ladies and Gentlemen, when they make kids crawl between railroad tracks because -- or, between -- between trains because they don't want to make the necessary improvements that they should. They're not our partner, Ladies and Gentlemen, when they -- when they -- when they, in Senator Shaw's district, make it impossible for emergency vehicles, for as long as two hours, to get from one side of the tracks to the other. I say, let's send a strong message, let's send a unified message and let's make sure that we do everything we can to tell our friends across the Rotunda that they ought to join with us this year and do it as well. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 1393 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 44 Ayes, 10 Nays, 3 voting Present. And Senate Bill 1393, having received the required constitutional majority, is declared passed. Senate

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Bill 1404. Senator Wendell Jones. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

Senate Bill 1404.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

SENATOR W. JONES:

Mr. President, Ladies and Gentlemen of the Senate, Senate Bill 1404 has agreed language now, as of this morning, on the amendment. There is no known opposition. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Shaw.

SENATOR SHAW:

Yes. Thank you, Mr. President. Yeah, on the last bill, I did push a Yes vote on my switch, but the switch didn't light.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record will reflect your intent...

SENATOR SHAW:

And I'd like to be recorded as Aye.

PRESIDING OFFICER: (SENATOR DUDYCZ)

...Senator Shaw.

SENATOR SHAW:

Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion on Senate Bill 1404? If not, the question is, shall Senate Bill 1404 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 59 Ayes, no

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Nays, none voting Present. And Senate Bill 1404, having received the required constitutional majority, is hereby declared passed. Bottom of page 2, in the Order of Senate Bills 3rd Reading, is Senate Bill 1411. Senator Watson. Top of page 3, in the Order of Senate Bills 3rd Reading, is Senate Bill 1426. Senator Dillard. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1426.

(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 stems from an incident which took place in one of my school districts, and this bill gives a judge an additional option when sentencing a juvenile offender for a -- a problem that -- of violence that happens at a school. This allows the judge the option of -- as a condition of supervision or probation, of having the -- the perpetrator of a violent crime at a school, a student, to attend or forcing them to attend a -- a different school if the accepting school will take the child. It just gives the judge one more option for something to do with a -- a student who commits violence on another student. And I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1426 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And Senate Bill 1426, having received the required

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constitutional majority, is hereby declared passed. Senate Bill 1440. Senator Lauzen. Mr. Secretary -- Senator Demuzio, what purpose do you rise?

SENATOR DEMUZIO:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point, sir.

SENATOR DEMUZIO:

I -- I noticed this morning that there were eighty bills on the Order of 3rd Reading in the Senate. Two of those were Democratic bills. I guess my question is, is it necessary for we, the Democrats, to stick around now where -- to vote on your seventy-eight bills, or should we go home, or what would you suggest?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you for your comment, Senator Demuzio. Senator Lauzen, on Senate Bill 1440. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 1440.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Senate Bill 1440 creates a local government taxpayers' bill of rights. It creates just minimum standards of protection for local government taxpayers. Certainly, local government has the right to levy taxes granted by the Legislature, but they also have a responsibility to do it in a way that is fair and consistent for taxpayers. This bill applies to locally imposed and administered taxes, such as local utility tax. It does not apply to property and sales taxes. The



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protection for taxpayers include a reasonable statute of limitations, a guarantee of an appeals process, reasonable limits on interest and penalties, rights to refunds and credits for overpayment, standard audit practices, appointment of an -- a Tax Appeals Officer, and protection against willful and wanton actions by local government. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Clayborne.

SENATOR CLAYBORNE:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Clayborne.

SENATOR CLAYBORNE:

Senator Lauzen, what -- what concerns me is -- I mean, obviously, I think that you have heavily weighed this towards businesses and -- and -- and not necessarily individual taxpayers in this particular bill. This bill requires a -- this preempts home rule, am I correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Yes, it does.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Clayborne.

SENATOR CLAYBORNE:

Now, you've also mandated in here that a tax -- that the local authority appoint a Tax Appeal Officer or board of appeals, am I correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

As -- as the testimony in the committee, as you might recall

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from the testimony that you heard in Revenue Committee, that person -- there is a requirement that there is an appeals person to take care of any appeals that go -- that a taxpayer has. So a person -- not necessarily a board, but a person needs to be appointed and it can be from existing personnel - so no increase in the size of their headcount and budget. But that function has to be satisfied, as you would expect, and as the IRS and the Illinois Department of Revenue has.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? All you have to do is put on your light, Senator Clayborne. Senator Clayborne.

SENATOR CLAYBORNE:

Thank you and -- and I appreciate your -- your -- your answer, but the problem is, Senator Lauzen, I have -- I have communities in my district that it's just not that easy to appoint somebody. I mean, obviously, I view this as an unfunded mandate that you're imposing upon municipalities. We can't assume that everybody has the -- the revenue of Aurora or some of the other cities that you represent. I have municipalities where they may have a total of twenty employees and -- and, yet, you're imposing this burden on them. The biggest problem I have with this - and I think that we should be fair in making sure that there -- that there is consistency throughout the State as -- as we look at this issue of taxes - but one of the problems I have -- or -- or some of the problems I have in here are that you -- you -- you limit things as it relates to -- things that potentially could hurt businesses. For instance, if a frivolous lawsuit is filed, then the taxpayer can only be imposed a fine of ten thousand dollars, but, yet, if the tax administrator makes a mistake, then the local municipality can be held liable for a hundred thousand dollars. Why is -- why are you making such a big distinction between the taxpayer filing a frivolous lawsuit, which means the local municipality has to

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hire and spend taxpayers' dollars to defend it, but, yet, if a corporation makes a frivolous -- if the -- if the attack is done -- if the administrator makes a mistake, then you're going to make the taxpayers pay up to a hundred thousand, but if the businesses file a frivolous lawsuit, then you're saying that they only have to pay ten thousand. Why are you putting this heavy burden on the taxpayers?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

You know, I -- I think that the answer to that is a very reasonable one, that any time that a government is going to reach into your pocket or any of your constituents' pockets to draw out a tax, that they have a greater responsibility to do it in a reasonable way and that the burden needs to be on -- on the group that is going to be reaching into your pocket to take money that you've earned away from you. So, of course, there needs to be meaningful -- there needs to be meaningful enforcement policies so that -- so that the application of these taxes is done in a fair, consistent way.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

So, in other words, if a multimillion-dollar company files a frivolous appeal where taxpayers' dollars have to be used to defend it, then we should disregard the fact that this appeal is frivolous, we should disregard the fact that we've placed this burden on the taxpayers to pay lawyers, or I guess maybe tax consultants in this instance, to -- to defend this frivolous lawsuit of a multimillion-dollar company. We tell that multimillion-dollar company, "Okay, it's all right to file the frivolous suit because we're only going to require you to pay ten

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thousand." Ten -- ten thousand dollars is the maximum fine, which again, Senator Lauzen, I -- I -- I guess we disagree in this instance, because if it's frivolous, then it never should have been filed. And we as human beings -- a tax administrator can make a mistake. We as human beings are not flawless. We do make mistakes. So, unfortunately, I guess we have a difference in there. You know, in -- in looking at this, Senator, I mean, you have placed heavy, heavy mandates on local municipalities, from sending out notices, telling them what should be in the notices. Then you tell them -- you limit fines. You limit penalties. You tell them that they cannot exceed certain penalties. I mean, clearly, and -- and -- and as long as I've been here, from schools to municipalities, we've always talked about letting the locals control. However, in this instance, not only do you tell them that they have to do an ordinance, you actually limit certain things they can do in this. I probably could support this, Senator Lauzen, if you gave them a threshold, but not -- in this instance, you've given them a little more than a threshold. You've basically told them what they can do, what they can't do, and what they must do. And if they don't do it, the taxpayers will pay a heavy burden of a hundred thousand dollars versus companies paying ten thousand dollars, and that's not fair to the taxpayers, Senator Lauzen.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR LAUZEN:

Thank you very much, Mr. President. Let me just respond to a couple -- first of all, the -- I'm afraid that that is a misrepresentation of the bill. It's a mixture of apples and oranges. Thank you, Mr. President. What you're referring to, Senator Clayborne, is -- the hundred-thousand-dollar penalty is when an administrator willfully and wantonly disregards the law.

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As opposed to what you were referring to, the other penalty is when a taxpayer's suit is determined by the -- by the court to be frivolous. So, I don't think that it's a fair statement of what's in this bill, to compare those apples and -- and elephants. First -- and secondly, the other thing that I think is perhaps a misunderstanding or a misstatement of what's in this bill, is that -- that this is a minimum standard, a request for a minimum standard of what, I believe, that all of us in this Chamber would feel is responsible administration of laws. These local authorities can do whatever they would like to do, but there has to be a minimum standard, the threshold that Senator Clayborne referred to. The reason why this is so important, just to give you an idea of -- we did a survey of two hundred and fifty home rule and comparable nonhome rule municipalities and we found that ninety-eight percent of those local governments did not provide a tax appeals process in their taxing ordinance. Seventy percent of the local taxing ordinances didn't provide a statute of limitations for auditing taxpayers' books, which means you have to hold onto those records forever. Ninety-eight percent of the local government taxing ordinance did not indicate how tax payments will be applied to taxpayers' liabilities. The statute of limitations - almost fifty percent of the ordinance reviewed did not provide for a procedure for obtaining a refund. Half of those looked at and studied didn't even provide, "Well, how do you get a refund?" I think that that's a minimal standard, and in fact, fifty-three percent of the people who were given registered letter, with the request by -- for freedom of information, disregarded the request for that information. So I think that a minimum standard is in place and I would appreciate your support for a local government taxpayers' bill of rights.

PRESIDING OFFICER: (SENATOR DUDYCZ)

This bill preempts home rule with regard to taxing powers

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pursuant to subsection (g) of Section 6 of Article VII of the Illinois Constitution, and therefore it shall require thirty-six votes for passage. The question is, shall Senate Bill -- 1440 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 48 Ayes, 7 Nays, 3 voting Present. And Senate Bill 1440, having received the required constitutional majority, is hereby declared passed. Senate Bill 1447. Senator Cronin. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

Senate Bill 1447.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1447 requires the assignment of a surrogate parent to children, for educational matters, that are wards of the State residing in a residential facility. It further states that for children who are wards of the State, the surrogate parent may be an employee of a nonpublic agency that provides noneducational care. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1447 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 59 Ayes, no Nays, none voting Present. And Senate Bill 1447, having received the required constitutional majority, is hereby declared passed. Senate Bill 1453. Senator

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Radogno. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

Senate Bill 1453.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. We just made this bill a shell. The intended use of the bill when it gets over to the House is to continue to work out the details on a proposal that would reduce the paperwork for small businesses by allowing them to report their sales tax liability quarterly instead of monthly.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1453 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 59 Ayes, no Nays, none voting Present. And Senate Bill 1453, having received the required constitutional majority, is hereby declared passed. Senate Bill 1456. Senator Dillard. Senate Bill 1504. Senator Bomke. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

Senate Bill 1504.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1504 authorizes Capital City Railroad Relocation

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Authority to continue to implement agreements, including the power to acquire property and the sale, exchange, transfer, assignment of property, until the City of Springfield has completed a transaction it was required to perform under law in 1998. We've actually passed a bill like this unanimously twice and they need to do some continuous work and would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If... If not, the question is, shall Senate Bill 1504 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 59 Ayes, no Nays, none voting Present. And Senate Bill 1504, having received the required constitutional majority, is hereby declared passed. Senate Bill 1510. Senator Parker. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1510.

(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. There are approximately two hundred different strains of Lyme disease, which cause many symptoms, and they often go undiagnosed. What this bill does is require the Department of Health to conduct a study regarding the prevalence, identification, and evaluation and treatment of Lyme disease. Requires the Department to issue a report to the Governor and the General Assembly by January 1, year 2002. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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



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Senate Bill 1510 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, 1 Nay, none voting Present. And Senate Bill 1510, having received the required constitutional majority, is hereby declared passed. Senate Bill 1514. Senator Dillard. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 1514.

(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 an Election Code shell bill that we just want to put in position, send it over to the other Chamber, in case there are any changes to the -- the major Act we passed a year ago dealing with campaign finance and ethics reform. One particular area that I know that the State Board of Elections has a subcommittee looking at are the penalties for what are commonly known as "A-1s", which are things we have to file with the State Board of Elections very quickly whenever we get a contribution of over five hundred dollars in the closing days of the campaign. I don't know if anything will come from it, but we just want to have an Election Code vehicle bill in place in the waning days of this General Assembly. Appreciate a ...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1514 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

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record. On that question, there are 57 Ayes, 1 Nay, none voting Present. And Senate Bill 1514, having received the required constitutional majority, is hereby declared passed. Senate Bill 1532. Senator Cronin. Senate Bill 1540. Senator Cronin. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 1540.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1540 is a bill that I thought up all on my own. It -- it came to me after I was continually harassed by telemarketers and people who would call, invariably right when you sit down for dinner, and they would call and solicit for a seemingly important and meritorious charity. And they'd usually pick off my wife because she's a much kinder soul than I am. But, in any event, we were giving money to a certain charity and -- and it seemed like the right thing to do, until one day I asked a few questions about this charity and I looked into their financial report and discovered that, like, ninety-eight percent of the money goes to support the administrative staff, that they took their annual meetings in the -- the Bahamas, that it was really a sham. And I was really offended by it. And so I started to look into this issue a little bit more and work with the Attorney General's Office and we came up with a bill that I think you'll like. It's patterned after some of the requirements that we have to do when we raise money for our political campaigns. As all of you do when you send a solicitation out for money for your political campaign, you have to have imprinted on there that the

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person you're soliciting has an opportunity to review a report, a report is or will be available upon -- for your inspection at the State Board of Elections. Well, all this bill does here is says that if you are soliciting, if you are a paid solicitor, if you're doing it for money, that you have to disclose to the person that you're soliciting either in written materials or over the phone, you have to disclose that the person you're soliciting has a right or an opportunity to view a report of their financial affairs. So when somebody calls and says, "Hi, I'm Joe Smith, and I'm calling for the National Vietnam Veterans' Association and these are good men and they need your help, and will you please give us fifty dollars. And, oh, by the way, Mrs. Jones, State law requires me to tell you that -- that we have a report, a financial report, available for your inspection" - well, you know what? - that lady might just say, "Let me take a look at the report before I send you my contribution." And I think it's just information. It doesn't get in the way of anybody's legitimate interests who want to raise money for legitimate causes. If they've got nothing to hide, then they should be forthright in sharing their financial reporting data. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just a -- a quick answer to a quick question, hopefully. I see where the United Way of Illinois was or is opposed to this. Can you tell me why?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

We've exempted out volunteer organizations, small organizations. Quite frankly, I don't know why the United Way

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would be afraid to disclose their financial reporting data. We've also exempted out those who are in the office that may circulate around for the United Way. You know, I don't understand it, frankly. We -- we've exempted out any activity that we think would be inappropriate to -- to -- to force someone to say when it's a volunteer, but certainly I think the United Way would -- would want to show us what a worthwhile organization and how well run they are. And I don't know why they would avoid or hide from that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall Senate Bill 1540 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 wished? Have all voted who wished? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. And Senate Bill 1540, having received the required constitutional majority, is hereby declared passed. Senate Bill 1550. Senator Thomas Walsh. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 1550.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

Thank you, Mr. President. Senate Bill 1550 does two things. It amends the Liquor Control Act of 1934. It provides that alcoholic liquor may be delivered and sold on the grounds within five hundred feet of a building owned by a forest preserve district during times when food is dispensed for consumption within that area. And it also adds language authorizing the sale

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of liquor in a building owned by a local mass transit district, subject to the approval of the governing board of such district. I'd ask for a...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1550 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 5 Nays, none voting Present. And Senate Bill 1550, having received the required constitutional majority, is hereby declared passed. Senate Bill 1567. Senator Silverstein. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 1567.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Mr. President. This bill requires agents operating under power of attorney for property for incapacitated principals to keep records. It -- it also requires an additional signature and it requires incapacitated principals to be examined by a physician before they are deemed to be incapacitated. I hope I have your support. I'm glad to see that there are a lot of Members on my side of the aisle here that hopefully be voting for this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1567 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

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record. On that question, there are 58 Ayes, no Nays, none voting Present. And Senate Bill 1567, having received the required constitutional majority, is hereby declared passed. Senate Bill 1588. Senator Molaro. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 1588.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. I want to apologize for Senator Demuzio, I think. At the very least -- when he talked about two Democratic bills. This is the last one. At the very least, he spoke prematurely about us leaving. So I'm glad to see that we're all here. This bill is a relatively simple bill, and basically the way the law reads now, local school boards can do, basically, whatever they need to do. It's been the policy of the State of Illinois that the local school board should decide exactly what's best for them locally. That's been the policy of the State, and very so often we -- we promulgate some Statutes or rules that would help them along. One of the things that's been here for many, many years is that -- the color of a school bus and what should be allowed on a school bus. People from the Board of Education in Chicago, as -- as they'll want, travel to New York, Denver, Colorado. They have a program there that allows for -- and this is what our bill does - it allows for strictly Type I school buses. Those are the big, long ones. I don't know exact feet. I passed out a picture. And, basically, what the bill does - it's permissive only - it allows the school board, if they so wish, to put on a -- a sign that's two foot by six foot only, with -- the school board has to agree and the bus company has to agree,

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permissive only, where you can raise money, and the messages must be public safety messages. So what it is, is the school board promulgates rules, picks out six or seven messages. If someone like Coca-Cola or Walt Disney World would like to come and be sponsored by Walt Disney World, they would pay a fee. The school boards can get money, raise money, much needed money, without raising taxes, and it's strictly permissive only. So if your school board - local school board - decides we don't like the idea, little too commercial, we don't like the idea that it's not all yellow, they say no. We must promulgate rules so the school board has to have hearings. They have to vote on it. If the local school board says no, it's not done. If they don't feel it's safe, if they feel it's too commercial, they say no. Just like we have at certain basketball tournaments sponsored by people. I think there are school boards that just contract with Coke or Pepsi to sell only their product. Everything is local. It stays in the local school boards and they make their decisions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Viverito.

SENATOR VIVERITO:

Will the sponsor yield to a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Viverito.

SENATOR VIVERITO:

I rise, and I hate to -- to debate this issue, but seeing this come before me, how nice it looks to safety of children. It's very appealing, and the Sun-Times article is very appealing too. But to me, it's only going to end up being kind of a special-interest bill. Consequently, what it's going to do is to generate some money. They said it's going to go to the schools, but I'm sure it's going to go to the advertisers as well. The unfortunate part about this bill that frightens me more than

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anything else is that you and I, when we drive the streets, we automatically identify with a school bus. And we know enough to slow down and we know enough to be concerned. All of us have grandchildren, all of us have children or a next-door neighbor that has children. To take the identity away from a school bus and it be unrecognizable in a very short period of time, because to monitor every, single school bus across the State of Illinois, that's going to be a pretty difficult issue for a lot of people and especially those areas that are in need of money. And obviously most areas need money. But to jeopardize the safety of the children and not to be able to identify in all cases that it's a school bus, I would hope that most of you would take this into consideration, and I urge you to vote No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further 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 Molaro, normal buses have advertising on 'em on all -- on at least three sides, maybe four. Do you have any statistics to show that -- how many accidents have been caused by people reading the ads on the side or back of the bus and not paying attention and crashing into something or somebody?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Statistics from the -- statistics from the CTA and Pace said there are no lawsuits that have been filed for that. Obviously, CTA or Pace would go bankrupt. They're almost moving billboards compared to what we're asking, and there have been no settlements



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or anything that were due from the fact that someone was reading a sign.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

You know, I think the controversy over this bill is due to the fact that we don't have very many bills this year. A few years back when I represented DeKalb County, they had buses running the students, about fourteen different routes, and all of us candidates would vie to get the best routes. And we would rent ten to fourteen buses and the stickers that we had on the buses were the reflective ones that you have on your bumper stickers. The size of these were fourteen feet long and four feet high, and I am proud to say that not one bus with a Welch bumper sticker ran over anybody, not once. So I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Parker.

SENATOR PARKER:

Senator Molaro, I -- would the Senator -- leave...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will...

SENATOR PARKER:

...for questions?

PRESIDING OFFICER: (SENATOR DUDYCZ)

...yield -- yield. Senator Parker.

SENATOR PARKER:

Senator Molaro, who -- we had a lot of discussion in this in Transportation. Who opposes this bill?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

As we speak, there's been IDOT. I think there was someone from

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the bus companies, and the Secretary of State I still feel is very close to neutral, but I think the Secretary of State still might be opposed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

And the reason for their opposition that they said in committee?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

They all had different reasons. One of the reasons from the bus companies is they were afraid that they wouldn't be able to control what the message was, and that's why we put in a amendment that talked about public safety issues. They wanted to make sure we couldn't put Joe Camel or Budweiser beer, and that's why we changed it there. As far as the Secretary of State, his opposition was lukewarm because the statistics - as you can read from the Sun-Times article - from New York and Colorado, there have been no accidents. There is no safety issue, and that's a red herring. As you well know, CTA and Pace, they're walking billboards and they haven't been sued. So there's really no upside for the Secretary of State or IDOT to be for this, so their opposition was lukewarm.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

Okay. And I do recall is they said they were concerned about safety issues and they -- they were opposed to that. I have a couple questions. How are the -- there's -- you say that these are two-foot-by-six-foot signs and they're going to be mounted in order to prevent the sign from becoming an obstacle. How will

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that -- how will it be mounted? Because there is a possibility -- is it mounted flush, is there a frame, or do you know how it would be mounted?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

In New York, they've been either strong magnets, but they've been mounted where they are no more than a half an inch or inch protruding, but they're flush against the bus. And -- and just so -- with the bill, the most they could be is two by six. Each individual school board can say we're going to do one by four, one by two. They can do it any way they want. We leave it to the school boards.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Parker.

SENATOR PARKER:

Okay. And how would the content on the signs be regulated in order to prevent successful lawsuits, such as happened in Pennsylvania, from organizations and individuals who are willing to purchase the space, but have their own message to display, such as abortion clinics or antiabortion groups?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Well, we address it in the bill and the courts have -- have already ruled where -- we've -- at the suggestion of Senator Hawkinson, and a few other -- your side of the aisle, we made it public safety messages only. And therefore, what the school boards would do, as they've done in New York, and what Chicago and Rockford may wind up doing, is they would wind up saying, "These are the six messages, this is what they say, and this is what your sponsorship is going to look like. Now, you take one of these six

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messages of public safety or you don't do it at all." So they would come in and have to do that. Plus a school board can adopt rules as -- as to who and what.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

In the event that a school district does not own any buses - and this is a big concern with this bill - but contracts for transportation, who will receive the revenue from the signs, the contractor or the school district? Who will be responsible for installing and maintaining the signs and bearing that cost, the school district or the contractor?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

My -- my thinking is that in Chicago, we -- we -- we don't own most of the buses and I think most school districts do not own their buses. Basically, what it comes down to, in New York, Colorado, probably ninety-five percent of the money went to the school district. This is all done by contract, and it's all permissive. So when you sit down -- let's say whatever school district - Rockford, let's say, for instance - sits down and they negotiate with their school bus company. First of all, the Rockford school board may not like the idea and not do it. Just -- this allows them to negotiate if they -- if they desire to. As they go through the contract, if the school bus company says, "I want fifty-fifty", they say, "Ninety-ten", they don't reach an agreement, they don't do it. So, we're not going to put in this bill what the contract should be. It's up to the local school boards.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

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SENATOR PARKER:

And in -- in case one bus is used in multiple school districts, who receives the revenue and who makes the decision as to what the message on the sign will be?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

I've talked to -- where they have these cooperatives, where school districts would do with buses or other contracts, buy desks, so they could have economy of scales, they all have separate contracts, they all deal with -- with the bus companies in the school districts. As -- again, as the legislation says, it's permissive, it's contractual. And the bus companies could say no.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

I -- I appreciate your -- your answers and I think that it magnifies the -- the concerns and the questions that we have with this legislation. A couple of things. First of all, with a two-foot-by-two-foot sign, how will it be mounted? There was recently the case that just happened a couple of days ago where a little boy's strap got caught, when he was -- dragged outside the car. Could it be mounted on the outside where a child's school pack strap would be caught and all of a sudden be dragged by a bus? IDOT, the Secretary of State's Office, the Illinois School Transportation Association, is in opposition with this bill for safety purposes, and even the Illinois School Transportation is in opposition with -- with this bill knowing that they could gain money from it. They still think that it takes away from the safety of the schools. The other thing is, you did receive, on your desks, pictures of a proposal of what this sign could look

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like; however, in the proposal that the Chicago School Board and the Chicago schools said what their proposal was is to take a two-by-six-foot sign, which is twelve square feet, and have only fifteen percent, which would be less than two square feet of it, for public safety and the remaining, over ten square feet, for the advertisement for the person that would be -- or, the company that would be advertising. The other thing is -- so that means this is so flexible. Obviously people are going to read it. The advertisers are -- are interested in it, and that is the more important message than -- than safety that is being proposed now. The other thing is that I do remember when the CTA had signs -- public service signs and how do you define public safety that were on their buses, and there were lawsuits because people said they had the right to put those signs on those buses. So I think it's vague. I think the children's safety is important. There are too many questions with this bill, and I would urge a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Shadid.

SENATOR SHADID:

Thank you, Mr. President. I don't have any question, so I'll make a comment. I think the important part of this legislation, as far as I'm concerned, is, number one, we're not forcing anyone to do anything. We're allowing the local school board to do whatever they want to do about putting a sign up. If they don't want to, they can't work out any details -- I'm not here to micromanage how they're going to do it, how they're going to put it up, with a magnet or a bolt or what. But I think we ought to leave it up to the school board to decide at the local level if they want to do this or not. And if they don't, all well and good. And if they do, I want to commend -- also commend Senator Molaro for the hard work he's done on this. And I urge a Yes vote.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President, Members of the Senate. Just like to make a couple of comments. I -- I like some of the arguments of the sponsor, such things as the local control, the fact that it will bring money into school districts. I -- I have some -- you know, I guess it just -- you know, I've been involved with schools all my life and -- and I think it just sort of turns me a little bit to -- to go this far on school -- with regard to schools. School buses in my district - and I'm sure in your district - are sort of sacred. They are, you know, something that when you're around, you be careful with. And I think this may be going in a direction that will detract from that and diminish -- diminish that respect, certainly, that we have for the school bus. You know, the local -- the fact that the local government -- or, the local school board has control I think is good. The money is good. I -- I wouldn't even argue the safety. May be the same with signs or what. I -- I just think we're started down a --- a road that -- you know, for instance, where -- where do we go next? Do we make the signs bigger the next time? Do we allow other things to be put on the sign the next time? It -- it, you know, not necessarily is a really bad bill, and I think the intentions of the Senator are good. I just don't like the direction that we're going down on this bill and would ask for a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I -- I certainly have concerns and share the concerns of my Secretary of State, but in this case, as I look on the Calendar, this is the last Democratic-sponsored bill and God only knows what Senator Molaro had to sell or give up to

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even get it this far. And I -- just out of mercy you should pass this bill since you've reduced us poor Democrats to "Silverstein's stylistic change" and now this great legislation for buses on the -- I mean, signs on the side of school buses. So just out of mercy, please give Senator Molaro an Aye vote so he can run for reelection on something.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Radogno.

SENATOR RADOGNO:

I have a question for the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor reluctantly agrees.

SENATOR RADOGNO:

Senator Molaro, how does this bill work for districts that rent their buses?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Actually, that's probably the reason for the bill. I mean, that's exactly what it's for. You contract with the -- with your school bus operator. So you sit down with them and say, "We'd like to do this", and then he'd say, "Well, I wouldn't", and that ends the discussion. If you would like to do it and he says, "Okay, what's in it for me", then you sit down and discuss it with him. Then the school board decides whether it's a good contractual move or not. It's all in the control of the local school board.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

What if a school bus company rents to more than one district?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.



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SENATOR MOLARO:

I -- Senator Parker -- I thought I just answered that and Senator Roskam brought it up in committee, in that everything is contractual. I've talked to some of the school districts outside Chicago and basically when they have these cooperative sort of contractual relationships, not only for buses but for desks, when we talk about economy for -- of scale, they all get together and they decide contractually what they would like to do. So if your school board votes No, they go to -- the other school boards get together when they develop this contract and they sit down with their prospective bus companies and let them know what they would like to do or not do. And it's strictly contractual in nature.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR MOLARO:

Yes. I'll -- I'll be as brief as I can be. Just want to answer two things. First of all, as far as -- you know, the safety issue, we've talked about this. Every -- every bus company has these signs up there. There is no safety problem. They've been doing this in New York; Denver, Colorado; Albuquerque. Not one single accident has happened because of the signs. They're not put in back. The safety issue is a red herring. However, I have to say if there is an issue, Senator Luechtefeld is -- is -- is -- brought it up. I mean, there is a question here about commercialization: How far do we want to go? Do we want to have Coca-Cola being the only seller in a school, Coca-Cola sponsoring tournaments? That's why we made it permissive. That's why we made it to the local school council. If the schools down in Senator Luechtefeld's district or anybody's district think we're too commercial, went too far, they don't do it. They say no. If someone up in Rockford is in -- really cash-strapped, really needs the money and can do it tastefully and the PTA and the school

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officials go along with it, then they should be allowed. We have -- as a Legislature, shouldn't say, "No, this school district shouldn't be able to do that." It's up to the local school councils. If you think it goes too far -- and boards, you say no. If the school district really needs the dough, because we can't spend twelve thousand a student and this is a way of doing it, and you could do it right, do it with safety, do it tactfully, then the school board should decide and that's all this bill does. Thank you. I'd urge...

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 1588 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 38 Ayes, 18 Nays, 3 voting Present. And Senate Bill 1588, having received the required constitutional majority, is hereby declared passed. Senate Bill 1626. Senator Parker. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

Senate Bill 1626.

(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. What Senate Bill 1626 does is authorize the State Police to conduct a pilot program to establish the effectiveness of pupillometer technology, which is the measurement of the pupil's reaction to light, as a noninvasive test to detect and measure a driver's possible impairment resulting from alcohol, other drugs or intoxicating compounds. The technology would also be used to

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detect fatigue levels of commercial motor vehicle operators. I would be glad to answer any questions and ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Welch.

SENATOR WELCH:

Senator Parker, how much is this going to cost?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

We are talking about fifteen units, and the price is about seven thousand dollars a unit, it's going to cost for this safety feature on the roads.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Will they be spread out through various districts in the State or concentrated in one State Police district? How would that be -- how would that happen?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

The idea is to have them spread out and that would be -- be determined by the police.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Shadid.

SENATOR SHADID:

Thank you, Madam Chairman. Would the sponsor yield?

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PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Shadid.

SENATOR SHADID:

Senator Parker, does this bill take into account the effects on persons taking prescription medications?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

The -- the bill does not; however, if you're taking prescription drugs and it affects your driving, it would be the same as anything else - you shouldn't be driving.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shadid.

SENATOR SHADID:

Okay. If tests show that you can fail the test without getting a good night's rest, what about truckers who sleep at rest areas and then get back on the road? What effect would that have on their ability?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

I -- I'm not sure I understand the question. Could you read it again, please?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shadid.

SENATOR SHADID:

If a -- if a truck driver doesn't get a good night's rest but they happen to pull off after driving three or four hours and then they pull off into a truck rest area and then sleep for an hour, then they get back on the road, do you have any idea what effect that would have on their ability to pass this test? And...

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Parker.

SENATOR PARKER:

The way that this is affected is how the person really adjusts to sleep or the lack of or rest. So what this does is allow them to have another test -- something that -- right now when they do testing for truckers, they pull them over, and it's really sort of objective. It's -- they read the logs -- or, subjective. They read the logs, they talk to them, and they see if maybe they're tired. This actually, by looking through this, and it's like looking through binoculars, can measure the -- the pupillometer, the eye ratio and how it affects and actually can tell if they're fatigued or not. If -- this is the first instrument that may be able to do this, so this would help them in that detection and further help them as far as their driving. It can determine that they're not fatigued or if they are. So really whether they pull off the side of the road or how much sleep they have I think depends on that person. This is to help be subjective -- or, objective and help them with that testing. And the truck -- Midwest Truckers are in favor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Yes. Thank you, Madam Chairman -- Madam President. I'm sorry. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

She indicates she'll yield, Senator Molaro.

SENATOR MOLARO:

Thank you. Is there anything in the statute that talks about if someone refuses to do this - I can't even say it, so maybe you could help me - pupillometer, or whatever?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

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SENATOR PARKER:

It's pupillometer, and I only am pronouncing because I've been practicing for it. Yes, it does. It does allow a person to refuse a test, as it does the other, Breathalyzer.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

Does it state in there that the officer is mandated to tell the motorist that they have the right to refuse? Is there anything that mandates the officer to explain to this person that he doesn't have to take this device and put it in his head or whatever they do with it?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

This is the same as the portable breath test and the person may refuse the examination of the test. It does not say that he may tell him that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

Just make a quick comment about the bill. Obviously it's a test pilot, so it's not that onerous yet, but we'll see where it gets. The problem we had in committee - there was a test given in committee. Senator Dudycz took the test, and it came back that he was fatigued and that he shouldn't be driving, and we found out that the Senator had, in fact, slept eight hours. That shows, on its face - we would call it a prima facie case - that the machine can be faulty. It took us many, many years to -- to realize that Breathalyzers, after all kinds of testimony, that they're reliable. After all these years, we still don't use lie detectors. They're unreliable. So therefore, we're going to come

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up with a scientific test that there's no data that it's reliable. As a matter of fact, out of the three times it was given in committee, it failed one out of three times, and we're going to tell our officers, you take this and you use it and it helps in a tool in determining whatever they want to determine. But it's already proven that it's not scientifically accurate. So I don't know why we're doing this. It's another form of "Big Brother". We have better tests to be able to tell this. And one of the other reasons I'm saying this, on a lighter note, I did ask the Chair personally that the bill that just passed has left this Chamber and cannot be recalled. So I would ask for a No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yeah, a question or two of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Parker, is -- the manufacturer of this equipment, have they done any studies with colleges or universities or -- or with research companies?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

They have been testing this for two years with a police academy in the -- in the State of Illinois. In fact, the reason why we became involved in this was because of looking into truck drivers who can become fatigued, because it is an indication that there are a lot of accidents that are caused by that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

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Well, is there any reason now, for example, that the company that manufactures this equipment, who would have a very big interest in our embracing it, is there any -- anything that precludes them from going to rest -- rest stops on the interstate and offering free tests so people could kind of test their own responses? I mean, couldn't this research be done in another way?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

This research -- I suppose they could, and actually they have -- they have gone to truck places where they pull over and they have asked truck drivers to do this voluntarily, and the truck drivers have been glad to do it. In fact, many times they have said, "We are fatigued, we are tired, and we would like to have a rest." So this is something that they've supported also. I can tell you that this has been used -- it is going to be used in Michigan. They are not even doing a pilot program; they are going to be using it as a -- as a detection tool for their police enforcement. It also is being used in West Virginia. It has been used in the corrections facility for detecting drugs and is a lot less expensive. Whereas normally take -- costs two hundred and fifty thousand dollars a month to detect with urinalysis, they are using this and they have cut their costs by a hundred and ninety thousand dollars a month. So this is not just something new. This is something that the police do support. This is something that MADD supports, and we are doing this small pilot project for the safety of our roads.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, Senator, I think you said what I guess I was concerned about. There's a question of whether we're trying to test whether



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this equipment is good to tell drivers about fatigue or whether we're talking about replacing or increasing enforcement tools for -- for DUIs. If -- if the object is to increase drivers' awareness and make sure people know better about whether they're fatigued, it would seem to me that putting them in enforcement vehicles with officers whose main job is to stop traffic violators is a different way of using this product than -- than using public awareness campaigns. I'm just not comfortable with embracing this as an enforcement tool when we're not sure about the reliability. The State Police in -- asking for the pilot are talking about deploying this with troopers, and I just think we need to understand that that's not -- you know, a lot of us have wondered for a long time why we don't do more at the rest stops to help people measure their own fatigue and -- and make the roads safer. The State Police don't see that as a primary part of their mission {sic}. Their mission -- their mission is enforcement. And I -- I think maybe this is a DOT issue or -- I mean, if -- I'm -- I'm all for making the roads safer, but I'm just not sure I'm comfortable deploying a technology in enforcement vehicles with enforcement officers until we have a lot better feeling about the technology.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Jacobs.

SENATOR JACOBS:

Thank you. Just a -- just a follow-up to Senator Welch's question. I know that the truckers are a little bit concerned that in order to get these meters to someone that is stopped, that you have a lot of downtime for the trucker. But I have -- my

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question's the other way around. If you're -- you're closest meter is forty-five minutes away and you have one State Police officer, maybe two, who had stopped that truck, waiting for the meter to come to them, we have another police officer that we're taking off the streets or off the highways and we can eventually end up having two or three officers actually doing the duty of just -- to bring a pupil meter -- or, however it is, in order to -- to get there and in order to make the test. I think that's a little bit of a waste of the State Police time, myself.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

Senator, we have addressed that in the amendment. That was a concern in committee. What the amendment does say is it specifies the State Police officer shall have the pupillometer device readily available to limit undue delays. So it shall be there. The Midwest Truckers requested that and we did put that in. And as far as I know, that they are in favor of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Permission is requested for UIS-TV to videotape the proceedings. Is leave granted? Leave is granted. Further discussion? Senator Syverson.

SENATOR SYVERSON:

Thank you, Madam President. Just -- answer a couple of questions or -- or, to answer a couple of questions. First of all, to Senator Molaro, the -- in the -- in the -- in the committee there was not one out of three failed. What the test showed was that Senator Dudycz was -- had higher levels of fatigue, which was -- made his test show that he was a little bit "slow", I should probably say. No -- what -- what it shows was not that he failed the test, because the test showed that he did not fail it. What it showed was that he had a higher level of

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fatigue than did other Members who took the test. He did not fail that. Based on the score that he had on that test would not prohibit him from driving under any level under this law or under the proposed regulation. So he did not fail it. It just showed the level of the test. And I think what it shows is the accuracy of this test and how precise this program is. Why we have to do it through the State Police is, as opposed to independent studies, is there have been numerous independent studies that have shown this system works extremely well and probably will, in the end, be more precise than current programs. But if we don't have law enforcement agencies doing their own independent findings, we are, as a legislative Body, always going to question the independent studies that are being done. That's why it's important that we have the law enforcement agency, like the State Police, go through this -- through this -- this -- this -- this study. Again, I think it's important to point out that other states are utilizing this and it has been proven, over and over again, that it's very accurate. In the end, it can be used for more than just fatigue, but in the end, we hope that the tests will show that it'll help in the area of -- of -- of drug and alcohol as well. So I applaud the sponsor of this legislation and I think it will help the State.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Yes. Yes, thank you, Madam President. I did take the test and that was only after my colleague, Senator Syverson, refused to take the test because he said he was too tired. But you're correct, Senator Parker. I took the test. I did get eight hours of sleep, but it did show that I was fatigued. As Senator Syverson said, I did not fail or pass. It did show that I was tired. You can have eight hours of sleep and be tired if you don't have a

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good night's rest, and that evening I was worried about Senator Molaro's legislative agenda and I had a very difficult time sleeping.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR PARKER:

Thank you for all of your comments and thank you, Senator Syverson, for clarifying some of those facts. It is right. Senator Dudycz was fatigued, but he was not too -- too fatigued to drive. In fact, it's interesting that a person can be so fatigued that they are as fatigued as if they are .10 or higher with drug use. The National Transportation Safety Board has estimated that fatigue kills as many people on the nation's highways as -- each year as drug and alcohol abuse. But they have complained of the fact that there hasn't been something that can possibly estimate whether a person is fatigued or not. The pupillometer will help with that. This is merely a pilot program, fifteen units, half for drug and alcohol, half for fatigue. It will bring safety to the highways and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 1626 pass. Those in favor will vote Aye. Opposed, Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 48 Ayes, 10 Nays, none voting Present. Senate Bill 1626, having received the required constitutional majority, is declared passed. Senator Parker, on Senate Bill 1655. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1655.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 1655 authorizes a court to order compliance with an order of protection issued by a foreign state, tribe or territory as a condition of bail, parole, mandatory supervised release, probation, conditional discharge or supervision. This was an agreed bill through the Judiciary. I would ask for a favorable vote and answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall Senate Bill 1655 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. Senate Bill 1655, having received the required constitutional majority, is declared passed. Senator Madigan, Robert Madigan, on Senate Bill 1658. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1658.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR R. MADIGAN:

Thank you, Madam President, Members of the Senate. Senate Bill 1658, as amended, rewrites the Workmen's Comp Self-Insurance Pool legislation that was written in 1980. The intent of that bill then was to keep workers' comp rates at an affordable level.

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Currently, there are twenty-eight of these self-insured pools in the State of Illinois, and the Department has become aware of three at this time that are in financial difficulty and perhaps there are others that may be in financial difficulty. The current legislation does not allow the Department of Insurance the oversight that the Department feels is required on these self-insurance pools. As a result of that, the Department of Insurance brings Senate Bill 1658, as amended, and makes several changes in the Workmen's Comp Pool Law. First of all, it clarifies that members of self-insurance pools should have similar -- must have similar risk characteristics. It allows the Department greater financial oversight over these pools. It raises the standards for companies wishing to be authorized by the Department to administer these pools. Sets forth bonding requirements that administrators of these pools must follow. Sets forth accounting standards for these pools and establishes reporting deadlines. It codifies the Director's current ability to declare a pool in default, and it authorizes the Director to take necessary steps that would be allowed by the law to rectify a situation of noncompliance. This legislation, again, that's brought forth by the Department of Insurance is a work product by all of the interested parties in self-insurance pools: members, administrators, departments and financial -- financial authorities. I would be happy to answer any questions on Senate Bill 1658, as amended, but otherwise would ask for favorable consideration of this legislation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall Senate Bill 1658 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all... Take the record. On that question, there are 59 Ayes, no Nays, none voting Present.

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Senate Bill 1658, having received the required constitutional majority, is declared passed. Senator Rauschenberger, on Senate Bill 1707. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1707.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 1707 modifies the Enterprise Zone Act and permits people developing in enterprise zones to acquire their materials for use in the enterprise zone anywhere in the State of Illinois. Current law limits where people developing in enterprise zones can purchase their materials. What this leads to is -- since most enterprise zones are -- are areas in redevelopment, most of the time they do not have lumberyards or building materials or -- or fixture stores. So what we've forced, inadvertently, is the creation of shell retail setups to permit pass-through. This really kind of cleans it up. The industry supports it. The Department of Revenue has no objections and there's no fiscal -- no fiscal impact. I think it's a good cleanup of the enterprise zone.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Welch.

SENATOR WELCH:

Senator -- I have a question of Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator, our figures indicate there'll be a

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seventeen-million-dollar cost to this bill. You say there'll be nothing?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

No. I would assert that there's no cost because the -- if you're constructing a large building in an enterprise zone today and you do not have a building supplier in that -- that enterprise zone, what happens is you go to the 7-Eleven store and you make arrangements for the 7-Eleven store to become a vendor for the building materials you want to buy so that you can pass the paperwork through the gas station or the 7-Eleven or whatever entity exists inside the enterprise zone. We're, you know, actually kind of forcing a distortion of the -- of the purchasing pattern. If you're -- if you're -- whatever you're going to construct, you're going to use almost exactly the same materials whether you pass it through a shell or whether you buy it direct. So it -- we don't believe there's any additional fiscal impact.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Well, our figures show us the Department of Revenue is saying there'll be a seventeen-million-dollar impact. You said that the Department of Revenue said there'll be no impact?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

We believe what they're referring to is the current cost of the sales tax exemption for construction of -- material construction in the enterprise zones.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.



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SENATOR WELCH:

But your theory is that one hundred percent of all construction purchases are currently being done either in the zone or by shell businesses to take advantage of the enterprise zone law. Is that what -- that why you're saying there'll be no impact?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yes, Senator Welch, you stated it well. In conversations with the Department of Revenue, as they go back and audit these, over and over again, they point out that there are shells being set up strictly to take advantage of this, which is what we really want to have happen anyway. We want the construction to take place in the enterprise zones, so this really should make it more clear and -- and fair.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Madam President. I -- I guess I -- I somewhat differ with my colleague on the other side of the aisle, and -- and I mentioned this in committee. In -- in the City of East St. Louis, there was a Ready-Mix that had shut down and probably had not been in operation probably for, I'd say, ten, fifteen years, and when the City -- well, probably longer than that, but when the City started their enterprise zone, then this Ready-Mix opened back up. And now they're providing their product within the enterprise zone in East St. Louis. Now, what would have happened if -- probably, if -- if this enterprise zone -- if -- if you were exempted, as Senator Rauschenberger's trying to do here, then they would have stayed in Cahokia, they would have stayed in Belleville, they probably never would have reopened in East

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St. Louis. And I believe the intent of -- of the original legislation was to encourage, to provide incentives for businesses to relocate or to locate back into these areas that, for whatever reason, businesses left or there was never a desire to open up. And if we exempt -- not only are we exempting municipalities, but we're exempting counties. If -- if a county is an enterprise -- has created this enterprise community or county, then we're allowing companies to compete outside for business inside the county. I -- I don't think this is -- I think this goes against the spirit of the intent of the original legislation to encourage and to incentivize companies to come back into these areas that have been abandoned or -- or have never been attractive towards business. So, in essence, what we're going to do is we're going to say, okay, it's all right as long as you develop in this area, but you don't necessarily have to build -- I mean, you don't necessarily have to spend your money in buying materials within this area. To not only empower businesses in the -- in the -- whether it's a municipality or a county, to empower those businesses, we will let you buy from wherever, as long as you build in the community. And I think that what -- what will happen, as I've said, is that these businesses in these areas will never grow, nor will we encourage businesses to move into these blighted or these communities that really need businesses to grow, need to empower and employ people. If we allow this to pass, it will never happen, and we might as well pretty much eliminate this enterprise community because we're taking away -- we're whittling away at -- at the incentive to make sure that we can attract businesses back into these areas. So I urge a No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

...there -- is there further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President. Just a comment. I stand in

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strong support of this legislation for a couple of reasons. Number one, this is State money that we're talking about. It's the State money that is being removed, so we should be able to go anywhere in the State. However, notwithstanding that, in conjunction with Senator Clayborne's argument, there are still a lot of negotiations that go on between the municipality and/or the county and these things can all be -- be taken care of at that time. So I think the locals still have enough control to where they can manage when and where this -- purchases will be made. So I think this is a good piece of legislation and ask for your Aye support.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR RAUSCHENBERGER:

I want to very briefly recognize Senator Clayborne's well-intended and well-placed concern for his district. I guess the only thing I would do is a little bit disagree with him on his conclusions. In the case of the Ready-Mix plant, I really believe - and -- and I hope I'm right if -- if the bill passes - that what would have happened, with the natural advantages of the closed Ready-Mix plant being located in the enterprise zone and the participation of the governing body, whether it's a county or a city, that the same thing that happened would continue to happen. You can't create enterprise zones with each enterprise zone containing all of the possible elements you need in -- in reconstructing or constructing a building or opening up a facility. So I truly believe that -- that it's fair for Senator Clayborne to be concerned; I just don't agree with his conclusions. The companies locating in enterprise zones generally are working with multiple incentives with the municipality or the county. They do everything they can to cooperate. This is really, I think, a technical clean-up bill, and -- but I certainly

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respect Senator Clayborne's concerns.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is -- question is, shall Senate Bill 1707 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 Ayes, 9 Nays, none voting Present. Senate Bill 1707, having received the required constitutional majority, is declared passed. Senator Sieben, on Senate Bill 1733. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1733.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This proposal is brought forth by the Governor's Office of Performance Review. It would allow the Department of Agriculture to establish by rule and collect monetary penalties for the failure of a person to pay any fine required by law to be paid to the Department of Agriculture. Know of no objection and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall Senate Bill 1733 pass. Those in favor will vote Aye. Opposed, Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all... Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. Senate Bill 1733, having received the required constitutional majority, is declared passed. At the request of the sponsor, all bills through 1831 are being held. So we will go to the bottom of

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page 6 with Senator Thomas Walsh on Senate Bill 1841. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1841.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Walsh.

SENATOR T. WALSH:

Thank you, Madam President. This bill does come from the Audit Commission. It deals with the Department of State Police. It does two things. It clarifies the authority of the Department of Public Aid to access various data repositories available through the Law Enforcement Agencies Data System, and it makes various changes in statute to reflect the current organizational structure and operating practice of the Department. Provides the Firearm Identification program is to be administered by the Division of Administration, rather than Division of Forensic Services. And it provides the Department shall coordinate State participation in a national central repository for dental records of missing persons.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Welch.

SENATOR WELCH:

...of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Walsh, I see this deals with the State Police. Were there any tests performed on Senator Dudycz in relationship to this bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Walsh.

SENATOR T. WALSH:

Not that I know of. Probably should have been though.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Is there further discussion? Seeing none, the question is, shall Senate Bill 1841 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. Senate Bill 1841, having received the required constitutional majority, is declared passed. Senator Maitland, on Senate Bill 1851. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1851.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. Several months ago, the General Assembly created the Tobacco Settlement Recovery Fund as a special fund in the State Treasury. Senate Bill 1851 amends the State Finance Act to allow the State Treasurer to invest monies in the Tobacco Settlement Recovery Fund in the same manner and in the same type of investments and subject to the same limitations as investments in other pension funds, except the Police Fund and the Firefighters Pension Fund. I think this is -- this is good legislation. It's prudent-person legislation. I would seek your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall Senate Bill 1851 pass. Those in favor will

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vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. Senate Bill 1851, having received the required constitutional majority, is declared passed. Senator Dillard, on Senate Bill 1854. Out of the record. Senator Weaver, on Senate Bill 1856. Out of the record. Senator Rauschenberger, on Senate Bill 1857. Out of the record. Senator Maitland, on Senate Bill 1865. Out of the record. Senator Maitland, on Senate Bill 1866. Out of the record. Senator Maitland, on Senate Bill 1867. Out of the record. Senator Dillard, on Senate Bill 1869. Out of the record. Senator Noland, on Senate Bill 1876. Out of the record. Senator Maitland, on Senate Bill -- excuse me. We have to go back to Senate Bill 1876. Senator Noland. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1876.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Noland.

SENATOR NOLAND:

Thank you, Madam President. We would like to move this bill over to the House and put it in conference and hopefully work out some value-added legislation to help the processing plants in our State. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall Senate Bill 1876 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none

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voting Present. Senate Bill 1876, having received the required constitutional majority, is declared passed. Senator Maitland, on Senate Bill 1885. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1885.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President and Members of the Senate. Senate Bill 1855 {sic} amends the Attorneys Lien Act to provide the Act does not apply to any claim, demand, cause, or action that results in a tobacco settlement agreement. A lien is not created under this Act for any part of the fee that may have been agreed to between an attorney and his client with respect to that cause of action before, on, or after the effective date of this Act. A lien does not attach to any settlement of any money or property recovered pursuant to a tobacco settlement agreement, regardless of whether a notice claiming such a lien is served before, on, or after the effective date of this Act. I think everyone knows that -- that this State stands, hopefully, to receive a large sum of money over the next twenty-five years, in the neighborhood of about nine billion dollars. That is not a certainty, but that is the figure that's being tossed around. The Attorney General of this State entered into a contract for outside legal counsel on the tobacco suit on October 9th of 1996. Payment of the attorneys' fees was arranged subject to arbitration. The arbitration panel decision awarded one hundred and twenty-one million dollars to the attorneys. However, the attorneys now contend that their contract with the State entitles them to ten percent of the State's settlement monies, or roughly nine hundred



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and ten million dollars, which is ten percent, of course, of the nine million dollar -- nine billion dollars. They have subsequently filed a lien against the receipt of future tobacco payments. While the one hundred and twenty-one million dollars would come out of the -- Illinois' tobacco monies -- I'm sorry, would come out of the tobacco companies' legal defense fund, which is outside of this settlement, the one hundred and twenty million dollars -- or, this new money would come out of Illinois' share of this tobacco money. This concerns us a great deal. It, frankly, does, and I'm not going to stand before this Body today and in any way bad mouth, in any way, shape or form, attorneys. I've never done this on the Floor. I think attorneys have a -- a legal right to a fair settlement of any case that they have. I -- I do question, though -- and I think the Tribune makes a very good point in an article that they had on the 26th of November. This is money, Ladies and Gentlemen, that will go to serve people in this State for medical needs, hopefully most of which have come from the use of tobacco over the years, and -- and a lot of people would not benefit from this money in the event that nine hundred and ten million dollars go to the attorneys. Another thing that's uncertain right now, whether or not this would be paid ten percent each year, as we get whatever the settlement money might be, or does the nine hundred and ten million dollars come up front, which would mean that this State would get none of this money for at least three years. I would also add that the amount of the settlement is already going down. We don't know what this is going to amount to. All of these ancillary suits that are going on around the country don't encumber the entire amount of the tobacco settlement money nationwide. We know that. But the fact of the matter is, as these suits continue to be -- be coming forward and be settled, that is an obligation against the companies and if there's no money -- if -- if you exhaust their resources in these

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ancillary suits, then, indeed, the money is not going to be there for the states. And I would remind you that this is about two hundred and five to two hundred and ten billion dollars nationwide. It is a concern of mine. Again, it is not, in any way, shape or form, meant to -- to -- to hurt the attorney or the law firms that are involved here. We believe we need to stop and look at this and -- and hopefully allow for as much money for the people who are supposed to get this money in this State as -- as we possibly can have. I would urge support of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Madam President, Ladies and Gentlemen of the Senate. First of all, I echo everything Senator Maitland just said. I mean, obviously -- I read some of those quotes in committee that talks about that nine hundred million dollars, and nine -- nine hundred million is inappropriate. I don't think anybody in this Chamber or anybody in this State thinks that these lawyers should get nine hundred million dollars. That -- that's obscene and absurd. And I think that's one of the reasons that -- and I think that's one of the reasons that we talked about arbitration and why there is negotiation. Now, I guess the idea of the bill then is -- I think anybody should realize, or if they take the time to realize, that there's a couple things. It's against the equal protection. Maybe one of my colleagues will talk about that. The work's already performed. It's over. The contract was signed. It's done. Now, we certainly don't want these lawyers to get nine hundred million. There's got to be a way for the Attorney General, either on unjust enrichment or some type of theory, to not pay this money. But what we cannot do is what we're trying to do here. We can't come back and say the services have already been performed, we already signed the contract.

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They're due this money. Now, what we should do is let the Attorney General and all our legal skills battle this out in a court. We cannot come here as a Legislature and come back and say even though the contract was signed, binding and legal, even though they've performed the services, we're going to void it, we're going to take away the equal protection, we're going to take away all the other safeguards. I don't want to throw out the -- the baby with the bathwater in the sense that we've gone -- we've gone too far with this. I understand what we're trying to do, that this may be a tool to let the lawyers know they better start negotiating in good faith or better faith and come to some agreement, otherwise we here in the Legislature will be taking it away. Unfortunately, I think there's a bigger concept. We cannot do this. This is blatantly, on its face, unconstitutional, and I think even though it's noble to try to get them back to the bargaining table and to save our State as much as we can, this is not the way to do it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I rise in support of Senator Maitland's bill here, for a lot of reasons. Number one, I think, is just the breakdown by hour of what the attorneys will receive here is clearly obscene. We are talking tens of thousands of dollars per hour in payment for their services. I had a bill the other day in the Senate Judiciary Committee that dealt with class action lawsuit reform, which has gone up about thirteen hundred percent in the number of cases that have been filed in Illinois over the last few years, and a situation where lawyers are making tens of thousands of dollars again. But as Senator Maitland pointed out, I think the bottom line here is that this money should be used for public

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health or other public purposes, and it shouldn't go to pay lawyers tens of thousands of dollars per hour. Two to three years of the tobacco settlement, the global tobacco settlement, would have to go to pay the lawyers, which is just obscene, in my view. And I think this money should be used for public health purposes. Finally, many states -- and I just talked to Senator Rauschenberger, our Chairman of our Appropriations Committee, many states recently, because of these obscene dollar amounts per hour for lawyers, have enacted laws that require the attorney general of their states to seek legislative approval for any contingent fee contract that is entered into by the attorney general of their state that could result in payment over a certain amount of money, usually one hundred thousand dollars in fees. And I think that's something that Illinois needs to take a look at as well. But this money should go to what it's supposed to go to and that's public health, not lawyers. And I rise in support of this.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Madam President. I will be relatively brief. But will the sponsor yield just for a comment?

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Obama.

SENATOR OBAMA:

And I -- I won't re-tread what Senator Molaro said, other than to maybe put it in even stronger terms. I think not only was the result here unconscionable, but I think that, frankly, our Attorney General did not think this negotiation through. We entered into a bad deal on behalf of the State. The tobacco settlement had already proceeded. Mississippi had done most of the work. Many of the other state's attorneys generals had already done a tremendous amount of work. At the point where we got

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involved in this case, there was probably no reason why our own State's Attorney General could not have simply handled it in-house. And as far as I can tell, the fact that a contingency deal was struck with a law -- I do -- I do not think this went out for bid. I don't think we solicited a variety and range of law firms to find out whether or not they'd be interested in participating and might take a lower percentage. I think we -- went ahead and -- and struck a deal that resulted in this obscene legal fee. Now, yesterday, you'll recall, I voted against lawyers' interests on the board of tax appeals. So I'm not shill for the legal profession. Having said all that though, I -- I simply cannot understand how we can present a bill in the State Legislature trying to rescind on a deal that the Attorney General struck and to say that these lawyers can't even place a lien and thereby get themselves into court to argue their side of the case. It strikes me that if we're willing to do that for this particular settlement, then what we're essentially doing is we're empowering this Body to say every time the State enters into a bad deal - not just with lawyers, but let's say with contractors - let's say that we -- we're paying road builders too much on something or we find out, you know, at -- at some point that we -- we gave hospitals too high a charge on Medicaid or what have you, and they come in trying to present their claim, then we're going to be in a position to say, after the fact, "You know what? This wasn't a good deal for the State. Let's pass a bill saying that these vendors can't even assert their claim against the State." That's not a good way of doing business. And my strong suggestion would be that, as Senator Molaro mentioned, there may be -- I am hopeful that in the judicial proceedings sorting out this tobacco settlement, that the private attorneys come to their senses, that the judge uses various mechanisms that are available to him to prod and poke those private attorneys to arrive at a settlement.

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But I think this sets enormously bad precedent, and I would strongly urge a No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President. Well, what this tells us, one thing for sure, is that we shouldn't rush out and decide right away how to spend tobacco settlement dollars. We're not wanting ideas or needing more ideas on how to spend it. Anytime you're in your office, there's a litany of people coming by with a means by which to spend this money. We cannot spend this money and shouldn't spend it this year, and maybe not even next year, until we know that -- how these suits are going to be decided. There's other litigation against the tobacco dollars. So, I'm obviously in support of this, but I think there's other rationale for holding back on our desires to spend this money prematurely. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR MAITLAND:

Thank you very much, Madam President and Members of the Senate. I -- I respect those who have opposing points of view here. Senator Obama, just let me point out -- I don't see Senator Obama right now, but let me just simply point out -- and I -- again, I respect, sir, very much your comments. Let me -- let me just say that when the Attorney General -- when the Attorney General entered into this agreement, there had been no history, no precedence for anybody being able to gain anything from litigation against the tobacco companies. So it was an absolute uncertainty and the -- and the -- the deal negotiated was a good one at ten percent. And nobody's going to argue that. But some forty-six

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other states did roughly the same thing we did. When the settlement was made, when the federal settlement was made, there was the legal defense fund - and that's not the exact nomenclature, but that's essentially what it was - was established to pay for attorneys' fees and was -- was the arbitration that -- that brought this all about. So -- so things did change. They absolutely changed and, frankly, we thought we might not get any money at all, and then all of a sudden we get nine billion dollars. So the game really changed. And again, I -- there are two sides to this issue, and I respect that, but my view is, at this point, we must protect the State's fiscal integrity here. And I think this is an important bill. I would urge your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 1885 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 46 Ayes, 12 Nays, none voting Present. Senate Bill 1885, having received the required constitutional majority, is declared passed. Senator Philip, on Senate Bill 1888. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1888.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Bill 1888 creates the Office of Illinois Educational Inspector General who will have the authority to conduct investigations into allegations of waste, fraud and mismanagement in the public school system from grades

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prekindergarten through twelve. This bill is patterned after the Chicago Inspector General, who I understand is doing very well. The State Board of Education, with the recommendations of the State Superintendent of Education, shall appoint the Inspector General with the advice and consent of the Senate. A period -- the term is three years. The Inspector General will report to the Governor, to the State Board of Education and to the four legislative Leaders. Also, the Inspector General for the Chicago school system shall report to the Illinois Educational Inspector General on a monthly basis in regards to pending investigations. Hopefully they would work together on various investigations. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Madigan, Lisa Madigan.

SENATOR L. MADIGAN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I rise in support of this bill but, for the record, would simply like to point out that the Chicago Board of Education does have some objections to this bill. The President has indicated a willingness to negotiate on this. Because the Chicago Board of Education, in Article 34, already has an Inspector General that has been functioning since 1994, they have some concerns regarding conflicts between the Chicago Inspector General and the State Inspector General. Thanks.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR PHILIP:

Thank you, Madam President. I have talked to Senator Madigan, and I would agree that we'll work something out when we get over in the House that hopefully everybody will agree to. And I'll tell you what my experience has been. I've been around here



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longer than most people. There never goes by a Session that I don't get a complaint about a school district, whether it's from a constituent, an employee, a lawyer, always making some kind of an accusation against the school board or school district. And quite frankly, there is nothing you can do about it. You can write a letter, you can call the State Superintendent, and quite frankly, they are powerless. This gives them some power to investigate wrongdoings. If you're for education, you want to do what's right for the kids, this ought to be a green vote. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 1888 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 1888, having received the required constitutional majority, is declared passed. Senator Rauschenberger, for what purpose do you seek recognition?

SENATOR RAUSCHENBERGER:

Purposes of an announcement.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your announcement.

SENATOR RAUSCHENBERGER:

I just want to remind the hardworking Members of the Appropriation Committee that we do have a Monday hearing. We hope to gather together at about 11:30 in Room 212 on Monday while the rest of our colleagues are probably on a beach somewhere. So you should all look to those Approp Members, your colleagues, and tell them what a good job they're doing.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Smith, for what purpose do you seek recognition?

SENATOR SMITH:

Thank you, Madam Chairman. I would like very much if you

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would reflect that it was my intention on Senate Bill 1440 to vote Aye. And will you please do me the courtesy?

PRESIDING OFFICER: (SENATOR DONAHUE)

The record will so reflect. Senator Philip, for what purpose do you rise?

SENATOR PHILIP:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR PHILIP:

Yes. Looking at the schedule and trying to anticipate what we're going to be doing next week, it's become obvious we may probably only be here on Tuesday and Wednesday.

PRESIDING OFFICER: (SENATOR DONAHUE)

All right. If I could have the Membership's attention, we have effectively concluded our business. Have a safe trip home. We will come in on Tuesday -- Tuesday at noon. Resolutions.

ACTING SECRETARY HAWKER:

Senate Resolution 303, offered by Senator Lisa Madigan. It is a death resolution.

PRESIDING OFFICER: (SENATOR DONAHUE)

Consent Calendar. House Bills 1st Reading.

ACTING SECRETARY HAWKER:

House Bill 726, offered by Senator Hendon.

(Secretary reads title of bill)

House Bill 1955, offered by Senator Hendon.

(Secretary reads title of bill)

House Bill 2130, offered by Senator Rauschenberger.

(Secretary reads title of bill)

House Bill 3037, offered by Senator Thomas Walsh.

(Secretary reads title of bill)

House Bill 3111, offered by Senators Dillard and Emil Jones.

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(Secretary reads title of bill)

House Bill 3286, offered by Senator Thomas Walsh.

(Secretary reads title of bill)

House Bill 3293, offered by Senator Clayborne.

(Secretary reads title of bill)

House Bill 3228 {sic} (3428), offered by Senator Rauschenberger.

(Secretary reads title of bill)

House Bill 4021, offered by Senator Donahue.

(Secretary reads title of bill)

House Bill 4030, offered by Senator Rauschenberger.

(Secretary reads title of bill)

House Bill 4089, offered by Senator Rauschenberger.

(Secretary reads title of bill)

House Bill 4138, offered by Senator Dudycz.

(Secretary reads title of bill)

House Bill 4160, offered by Senator Sullivan.

(Secretary reads title of bill)

House Bill 4265, offered by Senator Cronin.

(Secretary reads title of bill)

And House Bill 4404, offered by Senators Noland and Sieben.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Ronen, for what purpose do you rise?

SENATOR RONEN:

Thank you, Madam President. I would just like to be recorded as voting Yes on Senate Bill 1888. I was in the back of the Chamber and didn't get a chance to push my switch. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The record will so reflect. We will now proceed to the Resolutions Consent Calendar. With leave of the Body, all those

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that were read in today will be added to the Calendar. Mr. Secretary, have there been any objections filed to any of the resolutions on the Consent Calendar?

SECRETARY HARRY:

No objections have been filed, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor will say Aye. Opposed, Nay. The motion carries and the resolutions are adopted. Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 59, offered by Senator Weaver.

(Secretary reads SJR No. 59)

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver moves to suspend the rules for the purposes of the immediate consideration and adoption of Senate Joint Resolution 59. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Weaver now moves the adoption of Senate Joint Resolution 59. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Messages.

SECRETARY HARRY:

Message from the President, dated February 25th, 2000.

Dear Mr. Secretary - Pursuant to Senate Rule 2-10, I hereby revise the Senate Schedule for the week of February 28th, 2000. Please be advised that the Senate will not be in Session on Thursday, March 2nd and Friday, March 3rd.

Signed by President Philip.

Another Message from the President, dated February 25th, 2000.

Dear Mr. Secretary - Pursuant to the provisions of Senate Rule 2-10(e), I hereby extend the deadlines for final action on the following category of bills, with specific bills enumerated

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under this category, to January 9th, 2001: Appropriations - specifically, Senate Bills 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1799, 1800, 1801, 1802, 1803, 1804, 1805 and 1806; State Finance - specifically, Senate Bills 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825 and 1826; Budget Implementation - specifically, Senate Bills 1830 and 1831; Transportation - specifically, Senate Bill 1456; Education - specifically, Senate Bill 1368; Economic Development - specifically, Senate Bill 1316; Revenue - specifically, Senate Bills 1310, 1865, 1866 and 1867; and State Government Operations - specifically, Senate Bills 1341 and 1869.  
Signed by President Philip.

PRESIDING OFFICER: (SENATOR DONAHUE)

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 adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 47.

Adopted by the House, February 24th, 2000.

It's substantive.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further business to come before the Senate? If not, pursuant to the adjournment resolution, Senator Watson moves that the Senate stand adjourned until the hour of noon on Tuesday, February 29th. Senate is adjourned.

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