

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

PRESIDENT PHILIP:

Regular Session of the 91st General Assembly will please come to order. Will the Members please be at their desks, and will our guests in the galleries please rise? Our prayer today will be given by the Reverend Gordon McLean, First Presbyterian Church, Springfield, Illinois. Reverend McLean.

THE REVEREND GORDON McLEAN:

(Prayer by the Reverend Gordon McLean)

PRESIDENT PHILIP:

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

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben.)

PRESIDENT PHILIP:

Reading of the Journal.

SECRETARY HARRY:

Senate Journals of Tuesday, May 4th and Wednesday, May 5th, 1999.

PRESIDENT PHILIP:

Senator Myers.

SENATOR MYERS:

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

PRESIDENT PHILIP:

Senator Myers moves to approve the Journals just read. There being no objection, so ordered. Senator Myers.

SENATOR MYERS:

Mr. President, I move that reading and approval of the Journals of Thursday, May 6th, and Friday, May 7th, in the year 1999, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Senator Myers moves to postpone the reading and the approval of the Journals, pending the arrival of the printed transcripts. There being no objection, so ordered. Messages.

SECRETARY HARRY:

A Message from the President, dated May 10th, 1999.

Dear Mr. Secretary - Pursuant to Senate Rule 2-10, I hereby revise the Senate schedule for the week of May 17th. Please be advised that the Senate will be in Session on Monday, May 17th and will convene at the hour of four o'clock that -- p.m. that day.

Signed by President Philip.

PRESIDENT PHILIP:

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 13, together with House Amendment No. 1.

We have like Messages on the following Senate Bills with House amendments: 109, with Amendment 1; 149, Amendments 1 and 2; 315 and 359, with Amendment 1; 459, Amendments 1 and 2; 734, 932, 1107, 1116 and 1171, all with Amendment 1.

All passed the House, as amended, May 7th, 1999.

PRESIDENT PHILIP:

Resolutions.

SECRETARY HARRY:

Senate Resolutions 125 and 126, by Senator Dillard and all Members.

They're both death resolutions, Mr. President.

PRESIDENT PHILIP:

Consent Calendar. ...of The State Journal-Register requests

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

permission to take photographs. Is leave granted? Leave is granted. Senator Walsh, for what purpose do you rise?

SENATOR L. WALSH:

Point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR L. WALSH:

Mr. President and Members of the Senate, it's an honor today to -- for me. We have thirty-four seventh and eighth grade students from St. Joe's Catholic School in Manhattan here today visiting us. And they're being chaperoned by twelve of their parents, including Mary McHugh and Mayor James Doyle from Manhattan. I'd like to have them welcomed to the Senate.

PRESIDENT PHILIP:

Yes. Thank you. Would the people from St. Joe's please rise and be recognized by the Senate? Senator Silverstein, for what purpose do you rise?

SENATOR SILVERSTEIN:

Point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR SILVERSTEIN:

On the Republican side, I'd like to welcome the Arie Crown Hebrew Day School, with their Rabbi, Rabbi Robinson and Rabbi Pomerantz. Some of you were gracious enough to buy candy for them this week. And also I have three Honorary Pages, Matthew and Max Cohen, and my nephew, Joshua. Thank you.

PRESIDENT PHILIP:

Will you please rise and be recognized by the Senate? Senator Fawell, for what purpose do you rise?

SENATOR FAWELL:

I, too, need a point of personal privilege.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

PRESIDENT PHILIP:

State your point.

SENATOR FAWELL:

I have my grandnephew, Bart, with me, as a Page today. And I certainly hope everyone will tip him well.

PRESIDENT PHILIP:

Will he please rise and be recognized by the Senate? Senator Myers, for what purpose do you rise?

SENATOR MYERS:

Mr. President, point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR MYERS:

I'd like to introduce Mr. and Mrs. Carter, from Danville, in the gallery to my right. And with me are Jean Wolfe, who is the Clerk/Recorder in Ogle County, and Jill Rennels from Ashmore.

PRESIDENT PHILIP:

Will they please rise and be recognized by the Senate? Senator Watson, what purpose do you rise?

SENATOR WATSON:

Yes. Point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR WATSON:

I'd like to introduce two Honorary Pages that I have with me here today from Carlyle Junior High School. We have Theresa Luebbers and Nick Spihlmann. And they're here with me today. And I wish everyone would welcome them.

PRESIDENT PHILIP:

Would they please rise and be recognized by the Senate? Senator Shadid, what purpose do you rise?

SENATOR SHADID:

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR SHADID:

Serving as Honorary Pages today are Emmanuelle Bailey, Camren Johnson, Kerry Walker, and Tierra Wilson. They are students of the Village Youth Club at Neighborhood House in Peoria, and they are being chaperoned today by Vincent Boyd, Director of Youth Services and Neighborhood House. I would like the Senate to welcome them to Springfield.

PRESIDENT PHILIP:

Will they please rise and be recognized by the Senate?
Senator Lauzen, for what purpose do you rise?

SENATOR LAUZEN:

Point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR LAUZEN:

Thank you, Mr. President. Before we get started I'd just like to introduce to the Senate, my wife, Sarah; our youngest son, Robbie, who's working away on my computer already; and then Hans, Elliot and Ted are somewhere around doing errands. So I'd like to welcome them.

PRESIDENT PHILIP:

Will they please rise and be recognized by the Senate?

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR WATSON:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, sir.

SENATOR WATSON:

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Yes. With me, I -- as I introduced earlier, were my two Pages -- Honorary Pages for the Day, but we also have a group of Carlyle Junior High School students in the gallery here behind us, and I'd like to welcome them here to Springfield with their sponsor, Cynthia O'Neil. We're glad to have Carlyle Junior High School here represented today.

PRESIDING OFFICER: (SENATOR MAITLAND)

Would the Senate please welcome them? Welcome to Springfield. Senator Sieben, for what purpose do you arise, sir?

SENATOR SIEBEN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point.

SENATOR SIEBEN:

Thank you, Mr. President. With me today, I have an Honorary Page from Sterling, Illinois, Beamer Coon. He's here with us today, and his father's in the gallery.

PRESIDING OFFICER: (SENATOR MAITLAND)

Welcome to Springfield. Senator Demuzio, for what purpose do you arise, sir?

SENATOR DEMUZIO:

Yes. I'd like to ask Senator Watson a question, if he would yield, about his big event tonight. Senator Watson, as I came in this morning, I see on the elevator, all over the place, it talks about the House/Senate ball game tonight. Have we -- have we lost the psychological war? I thought it was the Senate/House softball game. Which -- have we lost that part of the battle already?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson, if it's a very long answer, you want to go over and explain it to him? All right.

SENATOR WATSON:

We've got to give 'em something.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. All right. Ladies and Gentlemen, let me have your attention, if I might, please. It is our intent to go to page 17. House Bills 2nd Reading. And we -- we do recognize that there are a lot of guests on the Floor, and there are a lot of guests in the gallery. It's going to -- we have some important work to be done this afternoon, and so I'm going to demand -- insist upon your attention this afternoon. Middle of page 17. House Bills 2nd Reading. House Bill 90. Senator Clayborne. House Bill 105. Senator Clayborne. House Bill 134. Senator Lauzen. House Bill 137. Senator Jacobs. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 137.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Commerce and Industry adopted one amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Are there any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senator Weaver, for what purpose do you arise, sir?

SENATOR WEAVER:

Thank you, Mr. President. Just an announcement. Last week -- last week I asked that everyone would get their Floor amendments filed. We have twenty-four Floor amendments filed. There will not be a Rules Committee meeting today, but if anyone else has a Floor amendment, please get it filed today so we can act on them tomorrow and schedule committees. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, Senator Weaver. Bottom of page 17 is House Bill

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

154. Senator Lauzen. Top of page 18. Senator Robert Madigan.
Senator Robert Madigan. Senate {sic} Bill 236. Senator Shaw.
...Bill 305. Senator Radogno. House Bill 306. Senator Radogno.
House Bill 371. Senator O'Malley. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 371.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for
consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 429. Senator Tom Walsh. Senator Tom
Walsh. House Bill 452. Senator Mahar. Read the bill, Mr.
Secretary.

SECRETARY HARRY:

House Bill 452.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Executive adopted one
amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for
consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate {sic} Bill 462. Senator O'Malley.
Senate {sic} Bill 470. Senator Petka. Senate {sic} Bill 472.
Senator Tom Walsh. Senate {sic} Bill 485. Senator Tom Walsh.
Senate {sic} Bill 487. Senator Dillard. I -- thank you. House

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Bill 520. Senator Parker. House Bill 526. Senator Dudycz. Top of page 19. House Bill 542. Senator Burzynski. 578. House Bill 578. Senator Rauschenberger. House Bill 583. Senator Petka. Senator Petka. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 583.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. There's a fiscal note on House Bill 619. House Bill 658. Senator Karpziel. Senator Karpziel. Out of the record. House Bill 737. Senator Emil Jones. Senator Emil Jones. House Bill 737. All right. House Bill 839. Senator Klemm. House Bill 934. Senator Radogno. House Bill 1117. Senator Dillard. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1117.

(Secretary reads title of bill)

2nd Reading of the bill. Committee on Local Government adopted one amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 1234. Senator Tom Walsh. House Bill 1268. Senator Peterson. House Bill 1279. Senator Noland. House Bill 1281. Senator Sullivan. House Bill 1285. Senator Petka. Senator Petka. Top of page 20 is House Bill 1286. Senator Petka. Read the bill, Mr. Secretary.

SECRETARY HARRY:

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

House Bill 1286.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary adopted one amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 1348. Senator Robert Madigan. Senator Robert Madigan. House Bill 1209. Senator Rauschenberger. 1409. All right. House Bill 1443. Senator Mahar. House Bill 1622. Senator Parker. House Bill 1700. Senator Petka. Senator Petka, on 1700? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1700.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Commerce and Industry adopted one amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill -- 1713. Senator Radogno. Senator Radogno. House Bill 1720. Senator Syverson. House Bill 1723. Senator Jacobs. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1723.

(Secretary reads title of bill)

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

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

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 1769. Senator Silverstein. House Bill 1773. Senator Syverson. House Bill 1774. Senator Karpziel. House Bill 1778. Senator Emil Jones. House Bill 1805. Senator Sieben. House Bill 1812. Senator Lauzen. Senator Lauzen. Top of page 21. House Bill 1820. Senator Sieben. House Bill 1869. Senator Shadid. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1869.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 1897. Senator Donahue. Out of the record. House Bill 1959. Senator Halvorson. Senator Halvorson. No? Thank you. House Bill 2005. Senator Trotter. Well, we'll have to come back to that. Okay? House Bill 2031. Senator Radogno. House Bill 2038. Senator O'Malley. House Bill 2081. Senator Shadid. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2081.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 2147. Senator Clayborne. ...the bill, Mr. Secretary. Did you say yes, Senator Clayborne? Yes.

SECRETARY HARRY:

House Bill 2147.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 2148. Senator Clayborne. House Bill

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

2163. Senator Dudycz. House Bill 2219. Senator Geo-Karis.
Senator Geo-Karis. Top of page 22 is House Bill 2255. Senator
Syverson. Senator Syverson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2255.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Commerce and Industry
adopted one amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for
consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd -- 3rd Reading. House Bill 2263. Senator Klemm. House
Bill 2271. Senator Madigan. 2271. House Bill 2330. Senator
Klemm. House Bill 2492. Senator Dillard. Senator Dillard. Read
the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2492.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 2574. Senator Syverson. Senator
Syverson. We'll pass by 2610. House Bill 2617. Senator Klemm.
House Bill 2648. Senator Dillard. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2648.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 2713. Senator Robert Madigan.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Senator Robert Madigan. Senate {sic} Bill 2770. Senator Emil Jones. Senator Jones. Senator -- House Bill 2790. Senator Donahue. Read the -- read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2790.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on State Government Operations adopted one amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 2845. Senator Dillard. Senator Dillard. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2845.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary adopted one amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senator Obama, for what purpose do you arise, sir?

SENATOR OBAMA:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Please state your point.

SENATOR OBAMA:

I am pleased to say that we have today some schoolchildren from my district, for the Ancona School in Hyde Park/Kenwood area. These are seventh and eighth graders who worked on a history project all year and are down here to observe the workings of the Senate in the State Capitol. Could you please rise? They're on the Senate {sic} side.

PRESIDING OFFICER: (SENATOR MAITLAND)

Will our guests in the gallery please rise and be recognized by the Senate? Welcome to Springfield. ...and Gentlemen, it is the intent of the Chair to go to House Bills 3rd Reading beginning at the point where business was concluded last week. That will be on page 7. House Bill -- House Bill 833. We'll start in just a moment. We'll give you a chance to collect your folders, and then we'll be ready to go. All right. House Bills 3rd Reading, middle of page 7, is House Bills -- 833. Senator Dillard. Out of the record. House Bill 835. Senator Jacobs. Senator Jacobs. 835? No. Okay. House Bill 841. Senator Peterson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 841.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. House Bill 841 provides the issuance of certain bonds. It does not limit a park district's right to issue nonreferendum bonds. This is an initiative of the Illinois Association of Park Districts. It does not circumvent the property tax cap. It basically clarifies something that

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Chapman and Cutler asked the park districts to clarify. It has the same language as the municipal villages have. And I ask for support on House Bill 841.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 841 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 49 Ayes, 5 Nays, 1 Member voting Present. House Bill 841, having received the required constitutional majority, is declared passed. House Bill 842. Senator Peterson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 842.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. This legislation also is an initiative of the Illinois Association of Park Districts. It increases the amount of property that a park district can lease from twenty acres to fifty acres per lease. Ask for your support on House Bill 842.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 842 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 59 Ayes, no Nays, no Members voting Present. House Bill 842, having received the required constitutional majority, is declared passed. House

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Bill 843. Senator Fawell. ...the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 843.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is a bill that is requested by the park districts. Basically what it does, it allows them to hold over funds from the following -- from the former fiscal year so that they can have some funds on -- on board for capital programs. Be glad to...

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 843 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, 1 Nay, no Members voting Present. House Bill 843, having received the required constitutional majority, is declared passed. Senator Viverito, for what purpose do you arise, sir?

SENATOR VIVERITO:

Personal privilege, Mr. Chairman.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, sir.

SENATOR VIVERITO:

I'd like you to welcome a very fine, distinguished Mayor from Melrose Park, Ron Serpico and his wife, Joanna -- daughter, Joanna.

PRESIDING OFFICER: (SENATOR MAITLAND)

Welcome to Springfield.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

SENATOR VIVERITO:

Ron Serpico.

PRESIDING OFFICER: (SENATOR MAITLAND)

Nice to have you. House Bill 845. Senator Geo-Karis. House Bill 854. Senator Geo-Karis. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 854.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, this bill allows the victim of a sex crime to request that the State's attorney file a petition with the trial judge to have the court's -- court records in the case sealed. The seal would only apply to court records, not police records. The seal would be voluntary. A judge would have discretion in deciding whether to seal the record in the case. And -- and I ask for a favorable consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If, not the question is, shall House Bill 854 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, 1 Member voting Present. House Bill 854, having received the required constitutional majority, is declared passed. House Bill 860. Senator Wendell Jones. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 860.

(Secretary reads title of bill)

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones.

SENATOR W. JONES:

Thank you, Mr. President, Members of the Senate. This bill amends the Counties Code and the Illinois Municipal Code. Provides that proposals or bids for the construction of improvements shall be accompanied by cash, a certified check or a bid bond. And now the law says only cash or certified check. This would add a bid bond for not less than ten percent of the aggregate of the proposal. I would appreciate a favorable vote on House Bill 860.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 860 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. House Bill 860, having received the required constitutional majority, is declared passed. Top of page 8 is House Bill 873. Senator Munoz. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 873.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Munoz.

SENATOR MUNOZ:

Thank you, Mr. President and Members of the Senate. House Bill 873 amends the Illinois Controlled Substances Act relating to enhanced term imprisonment for use of a minor in committing drug offenses. A person at least eighteen years of age who uses,

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

engages or employs a person under eighteen years of age to deliver a controlled, counterfeit or look-alike substance in violation of various sections of the Controlled Substances Act may be sentenced to imprisonment for a term up to three times the maximum amount allowed for the violation. The three relevant violations that increase the prison term are, one, the manufacture of, delivery of or possession with the intent to manufacture or deliver a controlled or counterfeit substance or controlled substance analog; two, the manufacture or distribution of, advertisement for or possession with the intent to manufacture or distribute a look-alike substance; and, three, a calculated criminal drug conspiracy. Under current law, a person may be sentenced to imprisonment for a term up to twice the maximum amount permitted for a violation. At this time, there's no opposition, and I'd ask for a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 873 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 57 Ayes, no Nays, no Members voting Present. House Bill 873, having received the required constitutional majority, is declared passed. House Bill 878. Senator Watson. Senator Watson. House Bill 895. Senator Dillard. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 895.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is an initiative of the DuPage Mayors and Managers Conference, and would make some minor changes to the way that local governments can enter into intergovernmental agreements. Some of the municipalities up in the northeastern part of the State believe that there is ambiguity in -- in the ability to enter into intergovernmental cooperative agreements, which hopefully would downsize governments and lead to economies of scale. This bill is not intended to grant any new powers to any local government. It's simply intended to clarify powers that the proponents of this bill feel currently exist, but they want to make sure, legally, they can enter into these arrangements. And hopefully this will save tax dollars and provide better services, more economized services, between local governments and the way they provide things to our constituents. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Larry Walsh.

SENATOR L. WALSH:

Would the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Walsh.

SENATOR L. WALSH:

Senator Dillard, in committee, we discussed this bill, and currently, under the Constitution, intergovernmental agreements are allowed right now within different governmental entities. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

That's correct. In fact, Senator Walsh, the constitutional section - I think it's Article 7, Section 10 - establishes very

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

broad authority for and encourages intergovernmental cooperation between public agencies in Illinois, primarily to save tax dollars.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR L. WALSH:

Your comments earlier that you said that this bill is not intended to grant any new powers to an entity that doesn't already have that, but will this bill if -- even though the intention may not be there, will this bill not open the door for that, possibly, to happen?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. I don't think so, Senator Walsh. I just think that you probably have some squeamish local government attorneys who want to make sure that whatever agreements they enter into - and -- and we can have intergovernmental agreements between municipalities and counties and school districts; I mean, they can come between different local governments - that they are all right. And I think they are maybe all right without this bill, because the Constitution, as I said, gives very broad authority to enter into these intergovernmental agreements. This just clarifies, and it comes at the recommendation of the DuPage Mayors and Managers Conference. And, Larry, I don't think we're giving anybody any new powers whatsoever. I think we're erring on the side of caution. That's all this bill does.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Walsh.

SENATOR L. WALSH:

Well, would this bill possibly, Senator, hypothetically, a -- a building -- a public building commission that is -- that is

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

appointed by - the members are appointed by, say, a county board or a municipality, could this possibly give them the authority to transfer their powers of issuing bonds to, say, the county board?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Thank you, Senator Walsh. Essentially, all this bill says is you can transfer powers, except as prohibited by law. And I don't think that you can transfer that bonding ability between those two entities you just mentioned.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR DILLARD:

Just appreciate a favorable vote. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 895 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, 1 Nay, no Members voting Present. House Bill 895, having received the required constitutional majority, is declared passed. Senator Silverstein, for what purpose do you arise, sir?

SENATOR SILVERSTEIN:

Mr. President, let the record reflect that should have been a Yes vote on that last bill, please.

PRESIDING OFFICER: (SENATOR MAITLAND)

The record will so reflect your intent, Senator Silverstein. Senate {sic} Bill 901. Senator Tom Walsh. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 901.

(Secretary reads title of bill)

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR T. WALSH:

Thank you, Mr. President and Members of the Senate. House Bill 901 authorizes municipalities to increase two separate levies from the current maximum level of .40 percent to a maximum of .60 percent by front-door referendum. The two tax levies are for police protection and fire protection, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 901 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. House Bill 901, having received the required constitutional majority, is declared passed. House Bill 916. Senator Sullivan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 916.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate, House Bill 916 amends the Intergovernmental Cooperation Act to allow a municipality to enter into intergovernmental arrangements with townships for flood management purposes in unincorporated areas in Cook County. This is following up on an effort that my predecessor, Marty Butler, led. I ask for an Aye vote.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 916 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 59 Ayes, no Nays, no Members voting Present. House Bill 916, having received the required constitutional majority, is declared passed. House Bill 928. Senator O'Malley. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 928.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, House Bill 928 changes the deadline for assessment appeals in Cook County from thirty days of the mailing of the notice to the latter of thirty days after the closing of the books for the township, or within thirty days of the date of the notice. Additionally, we added a -- a -- a committee amendment that made the language concerning the succession powers of the -- of the new board of review conform with Senate Bill 35, which has passed the House and has been sent to the Governor. I'd appreciate your support, and would be happy to answer any questions you have.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 928 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 59 Ayes, no

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Nays, no Members voting Present. House Bill 928, having received the required constitutional majority, is declared passed. House Bill 941. Senator Peterson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 941.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. House Bill 941 will regulate and control the sales price of cigarettes at the wholesale level. The bill addresses the problems created by the sale of cigarettes below cost. Currently, predatory pricing by cigarette dealers from surrounding states is contributing to the -- is contributing to the destruction of the price structure in Illinois. This bill is meant to prevent the movement of cigarette distribution industry outside of Illinois and to prevent loss of jobs that will result with such move. Further, the Act is intended to prevent the sale of untaxed cigarettes and the evasion of certain tax -- State taxes. Currently, cigarettes are manufactured for sale overseas. They have a different type of Surgeon General's warning, the quality is a little bit different. These cigarettes go out of the United States, but then they come back and they're circulated and sold in Illinois to undercut the pricing. I'd be happy to answer any questions. I ask for your support on 941.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 941 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 57 Ayes, no

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Nays, no Members voting Present. House Bill 941, having received the required constitutional majority, is declared passed. House Bill 943. Senator DeLeo. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 943.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeLeo.

SENATOR DeLEO:

Thank you, Mr. President, Members of the Body. House Bill 943, as amended, amends the Home Equity Assurance Act establishing a Low Interest Home Improvement Loan Program. As so many remember, we -- we established a home equity program back in 1988 -- '89. We have some surplus funds. We're allowing the board of commissioners to give out low-interest loans. This will be done by referendum. So this just allows it to go back to the voters in the -- those precincts that have home equity precincts. I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 943 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 59 Ayes, no Nays, no Members voting Present. House Bill 943, having received the required constitutional majority, is declared passed. House Bill 953. Senator Philip. House Bill 1061. Senator Philip. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1061.

(Secretary reads title of bill)

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1061, as amended, will create the Soft Drink (Industry) Fair Dealing Act, which will give independent distributors a little more protection. It does not give them a guarantee. And let me suggest this: For good reasonable cause, you can take a distributorship away from a distributor. Let me just give you a couple of the reasonable causes: a distributor produces a soft drink product which does not meet the supplier's standard or recipe, discontinuing service in a specific area, bankruptcy, not paying bills on time, the -- or transferring of a sale of a distributorship to an unqualified buyer, failure to keep all accounts adequately supplied at all times with soft drink products. I could go on and on. The point I'm trying to make is it's easier to take a distributorship away than -- than you think. Let me also say this: Why? And -- and, you know, we have separated the liquor from the soft drinks, at the advice of our staff attorney, because there are a lot of federal laws and regulations that deal with hard liquor that do not deal with soft drinks. That's the only motive. Please don't read anything else into the reason we separated soft drinks from liquor. Now, one of the reasons we should consider this is the foreign ownership of soft drink companies. It kind of was a surprise to me, a shock to me, the American products that are owned by foreign companies. And I'll just give you a few: 7-Up, Canada Dry, Sunkist, Dr. Pepper, Orange Crush, Schwepps, just to name a few. Unfortunately, it looks like the bigger guys are getting bigger and bigger and the little guys are getting littler and littler. And that's the trend in this country today. I don't think it's a

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

good trend. I happen to think the trend is going in the wrong decision -- way. Now, just some figures and some facts. In 1987, the Pepsi-Cola Corporation owned thirty-two percent of the distributors and bottlers. In 1999, they own seventy-two percent of the distributors and the bottlers. So the little guy, once again, is getting moved out. Ten years ago, Pepsi-Cola had five hundred and fifty independent distributors. Today, they have a hundred and twenty-three independent distributors. Of those a hundred and twenty-three, thirty-two are partly owned by the Pepsi-Cola Corporation. The big guys are getting bigger and the little guys are getting littler. And if you look at the trend once again, look in the supermarkets. Dominick's was just bought. Jewel Tea was bought out by American Foods. Automobile dealerships. I can't believe what's happening in Indianapolis, Indiana. Ford Corporation is buying up all the dealerships and they've decided in Indianapolis they're going to try a test. They're going to end up with five distributorships owned and operated by the corporation in Indianapolis. Banks. I can remember when all the banks in my community were all independently owned. Today I think I have out of maybe ten banks in my community, I have one of them that is independently owned. Once again, the big guys are getting bigger and the little guys are getting littler. Most of you probably realize that I worked for a large corporation for a good many years. Thirty-eight years, believe it or not, I sold franchises and distributorships myself, personally. That's what I did for a living. And if you think the large corporations don't have the upper hand over these independent distributors, you are sadly, sadly mistaken. I did it, and I did it for thirty-eight years. I think I did it well. We tried to be fair. But to think that little guy has any kind of a chance against a gigantic corporation, you are sadly mistaken. You know, when I first got into this argument, because of a Marine

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

buddy of mine, I -- I had some -- I read some of the editorials and I had some misinformation, and I really -- really didn't get into it. The more and more information I received, the more and more I felt, boy, are we right. We are dead bang right. They have accepted fourteen amendments -- fourteen changes in this bill. So this bill is considerably tightened up compared to what it was introduced in the House. And once again, the big companies are getting bigger and the little guys are getting littler. Let's put it in perspective, though. And, of course, my -- my friend does very well in the soft drink business, to say the least, but to put it in perspective, Pepsi-Cola corporate sales a year, twenty-three billion dollars; my friend in southern Illinois, eighty million dollars. Now, that certainly is very good. Don't get me wrong. But, in comparison, what is it? It's a blip. Now, he started out on a truck selling Pepsi-Cola, and half of his adult life, he was in a uniform selling Pepsi-Cola in southern Illinois. He built up a great business. And you know what? That's what America's about. Isn't it great to be successful, to start with one truck and then thirty or forty years later, you're doing extremely well? That's our way of life. That's what we believe in this country. Starting small and working your way up. That's exactly what he has done. And we used to call that the American way. And it's been a great way. You know, if you would take a little time to read the Illinois Constitution, it mentions the legislative -- Legislature first, Executive second, and Judicial department third. Why? We're always first in the Constitution for this reason: We elected Senators are here to represent the people and the little guy. The little guy. That's what we're sent down here for. Not the large corporations. And once again, the big guys are getting bigger and the little guys are getting littler. And that's what this argument's about: Big guys versus the little guys. I ask you for your favorable vote.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

And I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there discussion? Is there discussion?
Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I stand in strong support of this legislation. You know, it's interesting following this bill through. We have heard that if we vote for this bill, we are going to lose employees; if we vote against this bill, we're going to lose employees; if we are for this person, then we're for the big guy; if we're for that person, we're for the big guy. And I think really what it boils down to is a very simple matter of choice. There -- there's been a lot of discussion on this bill and many others that this is a bill named after one person. Well, it so happens, in my district, our Pepsi-Cola distributor is a family-owned distributor that has been on board for almost a hundred years. They are very concerned. They used to have Pepsi and Budweiser. Now they just have Pepsi, because of the lack of such legislation. I urge a strong Aye on this vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Ladies and Gentlemen, I certainly have enormous respect for the sponsor. I voted Yes in committee to allow more research and full debate on the Senate Floor. The research is done and the debate is upon us, and our answer on this bill should be No. If we need more study to protect the legitimate interests of these businesses, we ought to put that in for the summer and fall, and take a look at -- a hard look and study the whole issue. Although proponents say that this legislation will protect jobs and opportunity for the individual,

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

I'm afraid that the unintended consequence will be just the opposite. The issue is not about one man, but about all of commerce in Illinois. Harry Crisp is a warm and charming man, as the -- President of the Senate says. He and his family did not create one of the premier private enterprises in the State of Illinois by coming to the Legislature to seek protection. If this bill passes, what other industries will line up outside the doors of this Capitol Building to petition you to protect them? What whole industries will be strangled in their early development because we limit access and opportunity? What long-run damage will we do to job prospects when we send the signal to businesses around the world that in Illinois we substitute legislative protection in the place of the hard work and good old-fashioned Yankee ingenuity that made the Crisp name deeply respected all over Illinois? Even if you believe that we should protect one distributor, what should we protect him from? The testimony that made the most dramatic impact on me, personally, was Pepsi-Cola's one-hundred-year history. In all that time, only one distributor has been terminated and it was a very obvious need. You know, America and Illinois enjoy the greatest prosperity the world has ever known. Our employment rate has never been higher. Inflation at the national level is the lowest in generations. Prices, because of competition, are lower and make it possible to deliver goods and services to more people than ever before. And this hasn't happened by accident. It's because we're a free-market country. If you vote Yes today, where will this end? Would proponents of this special legislation grant the same exclusive protection to those with whom they contract for aluminum, glass, maintenance services and packaging supplies? Where will it end? Let us not turn our backs on the principles and the concepts that have made us great in this economy in this country. Let's not attempt to micromanage our Illinois economy. Please vote No.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Parker.

SENATOR PARKER:

With all due respect to the sponsor, I rise in opposition to House Bill 1061. In Section 40 of House Bill 1061 it reads, "This Act shall govern all relations between suppliers and distributors to the fullest extent consistent with the constitutions of this State and of the United States. All provisions of this Act which are declarative of or clarifying {sic} (clarify) existing law, including the provisions of Section 15(a)(3) of this Act, apply to all agreements between a supplier and a distributor whether those agreements were entered into before or after the effective date of this Act." This language has the effect of rendering invalid the contractual agreements in the soft drink industry. It has the -- also, the effect of contractual relationships in any business would be subject to legislative controls and undermines free enterprise. In the soft drink Act that we're voting on today, it creates further restraints that are against competition and the public interest by making it virtually impossible for a supplier to terminate a bottler, even if the bottler is producing an unwholesome or even dangerous product. And why is that? That is because there are notice and cure provisions in this Act. Under this bill, a bottler may not be terminated until ninety days after written notice, and even if the reason for termination is distribution of adulterated or a substandard product, the bottler would have sixty days to cure this problem. If the problem is fixed temporarily but reoccurs, the bottlers will claim that -- a whole new ninety-day notice period and the cycle goes on. There is really no need for this legislation. In the soft drink industry, in the last hundred years, there has been one instance, only one issue of termination and that was actually in Arizona, and the reason for it was because of transshipping into another

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

bottler's area. The reason why the bottler was terminated was at the request of the other bottlers. It was the little guys that were worried about the big guy coming into their area. In this bill, there is not the protection against transshipping. This legislation would make it impossible for soft drink suppliers to discipline bottlers who ship into others' territories and those territories are sacrosanct. They have existed for decades. They are written into agreements. Under this bill, unethical larger bottlers could ship into the smaller areas. There is a list - a long list - of people against this bill, including the Restaurant Association, the Jewel Food Stores. The consumers would be possibly having higher prices. I would respectfully request that this bill not pass and that we be able to have, in the Commerce and Industry Committee, what we should have been able to have, is a long discussion on whether the General Assembly should be getting involved in the soft drink Act at all.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Senator Philip, to close.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. If you think about this, this is the big guys versus the little guys. Same old story. You know, when they eliminate the middleman, the corporation makes more money. So the trend is eliminating the middleman. Who is the middleman? The bottler or distributor. And that's what this is all about. I'd ask for your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 1061 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? ...the record, Mr. Secretary. On that question, there are 23 Ayes, 36 Nays, no Members having voted Present. House Bill 1061,

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

having not received the required constitutional majority, is declared passed -- is declared failed. ...Bill 1097. Senator Dudycz. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1097.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. House Bill 1097 is an initiative of the Attorney General and State's Attorneys' Association's task force in response to a case where a person solicited an undercover adult police officer believing that that police officer was a child, and under current law, the offender could not be prosecuted for indecent solicitation of a child. This legislation amends the Criminal Code relating to the offense of indecent solicitation of a child. It is identical to Senate Bill 397, which passed the Senate earlier unanimously, and I would seek your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 1087 {sic} pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. House Bill 1087 {sic}, having received the required constitutional majority, is declared passed. Just for the record, that was House Bill 1097. House Bill 1099. Senator O'Malley. Read the bill, Mr. {sic} Secretary.

ACTING SECRETARY HAWKER:

House Bill 1099.

(Secretary reads title of bill)

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1099 amends the Criminal Code by creating the offenses of financial institution fraud and fraud by wire, radio or telephone. This is an Attorney General initiative. The need for this bill is based on the rapid growth of the Internet, as well as the widespread use of telemarketing by legitimate businesses, which has enabled criminals to create and direct fraudulent schemes aimed at reaching large numbers of people throughout this State. The bill could give Illinois prosecutors a valuable tool with which to prosecute these criminals and to prosecute them efficiently, I might add. Be happy to answer any questions you have.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 1099 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. House Bill 1099, having received the required constitutional majority, is declared passed. House Bill 1100. Senator Sullivan. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1100.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sullivan.

SENATOR SULLIVAN:

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1100 is another initiative of Attorney General Jim Ryan. It's a reenactment of the child pornography statute, which was struck down because it was a violation of the single-subject rule, with two modifications. One is that possession of child pornography must be voluntary in order to be considered criminally liable of that violation, and it expands the definition of a "child." This is intended to address the issue of morphing, where they morph different parts of bodies. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 1100 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. House Bill 1100, having received the required constitutional majority, is declared passed. House Bill 1102. Senator Parker. House Bill 1113. Senator Robert Madigan. Senator Robert Madigan. Top of page 9. Senator Karpziel, for what purpose do you arise?

SENATOR KARPIEL:

Thank you, Mr. President. I rise to request a Republican Caucus in Senator Philip's Office immediately. It'll be about a half an hour long. Republican Caucus in Senator Philip's Office.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpziel has requested -- Senator Karpziel has requested a Republican Caucus in Senator Philip's Office immediately. Senator Smith, for what purpose do you arise?

SENATOR SMITH:

Thank -- thank you, Mr. President. I respectfully request a Democratic Caucus immediately in the Senator Jones' Office.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

A Democratic Caucus has been requested. That request is in order.

SENATOR SMITH:

Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Mr. President. Senator Dillard has filed a motion with respect to House Bill 1061.

PRESIDING OFFICER: (SENATOR MAITLAND)

Mr. Secretary, the Chair requests that these motions be printed on the Calendar. So ordered. The Senate will stand in recess till the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DONAHUE)

...Senate will reconvene. Chicago Coalition for the Homeless requests permission to videotape. Is leave granted? Leave is granted. House Bills 1st Reading.

ACTING SECRETARY HAWKER:

House Bill 1276, offered by Senator Burzynski.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

...as everyone gets to the Floor, we will continue from where we completed. We will be starting with House Bill 1134. Senator O'Malley. 1137. Senator Myers. 1146. Senator O'Malley. ...hear with -- if you're within my voice, please come to the Floor. Senator Thomas Walsh, for what purpose do you rise?

SENATOR T. WALSH:

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Thank you, Madam President. Point of personal privilege, please.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point, sir.

SENATOR T. WALSH:

In the balcony right behind me, we have a group of students that are here from Hiawatha School in Berwyn, and I would like the State Senate to recognize them and say hello. If you'd please stand, all of you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you rise and please be welcomed from Springfield -- to Springfield. Senator Demuzio, for what purpose do you seek recognition?

SENATOR DEMUZIO:

Thank you, Madam President. I was asked to announce that the Jesse White Tumblers are going to be performing today at 3 o'clock indoors. Apparently they moved it indoors to the Rotunda of the Capitol Building. So for everybody who got bounced around, after while, if you want to go down and tumble with Jesse White's guys, why, have at it. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Jesse White Tumblers. All right. On the Order of House Bills 3rd Reading, top of page 9, is House Bill 1134. Senator O'Malley. Out of the record. Senator Judy Myers, on House Bill 1137. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1137.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Myers.

SENATOR MYERS:

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Thank you, Madam President, Members of the Senate. This bill provides -- it amends the Municipal Code in relation to nonpartisan primary elections. It provides that no municipal office for which nomination is uncontested shall be included on the primary ballot. Uncontested means those with two or fewer candidates. If a person files valid papers to be a write-in candidate at least sixty-one days before the election, which is the way it is now, a primary must be held for that office regardless of how many candidates are on the ballot. I'd be happy to answer questions. I'd appreciate a positive vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Senator Demuzio.

SENATOR DEMUZIO:

I'm sorry, Senator Myers, could you tell us what office we're talking about by indicating that there would be a primary regardless of the -- if anyone files? I think that's what I heard you say.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Myers.

SENATOR MYERS:

Thank you. Yes. This is -- this is the Municipal Code. So we're talking about primary elections for a municipal office. Does that answer the question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Is there further discussion? Seeing none, the question is, shall House Bill 1137 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. House Bill 1137, having received the required constitutional majority, is declared passed. Senator

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

O'Malley, on House Bill 1146. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1146.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President. Ladies and Gentlemen of the Senate, House Bill 1146 is an initiative of the Illinois Community College Board to allow them to charge a fee for the use of its video conferencing facilities and also creates a fund in which to deposit the fees. The fees that are deposited would be used, subject to appropriation, to pay for CMS telecommunication charges and for upgrades to the video conferencing system. This will make video -- the video conferencing facilities of the Illinois Community College Board available to more State agencies, for the simple reason that they can recover their costs. I'd be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

Would like to ask the sponsor a question, if he would yield.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Demuzio.

SENATOR DEMUZIO:

Senator O'Malley, why are we authorizing the community colleges to charge a fee? Is there some prohibition in the statute now that says that they can't do this, and we have to grant them some permission?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

SENATOR O'MALLEY:

Senator Demuzio, they are currently not permitted to do so. This is an authorization, also, to the Illinois Community College Board, not to individual community colleges. This references the facilities that they own.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Is there further discussion? The question is, shall House Bill 1146 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, 1 Nay, none voting Present. House Bill 1146, having received the required constitutional majority, is declared passed. Senator Cronin, for what purpose do you seek recognition?

SENATOR CRONIN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR CRONIN:

Thank you, Madam President. I'd like to introduce a crowd of some important and young constituents from Elmwood Park, Illinois. We have with us today, in the gallery behind the Democratic side, the -- the Mighty Celtics, from St. Celestine School in Elmwood Park, Illinois.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you please...

SENATOR CRONIN:

A fine group of people. There they are. Welcome to Springfield.

PRESIDING OFFICER: (SENATOR DONAHUE)

...please rise and be welcomed by the Illinois Senate? Welcome to Springfield. Senator Sieben, on House Bill 1151. Read

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1151.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Madam President. This legislation comes at the request of the Illinois Association of Park Districts. It would allow a park district to transfer the interest earned on any of the monies of the district to the fund of the district that is in most need of the interest earnings. I'd ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall House Bill 1151 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, 1 Nay, none voting Present. House Bill 1151, having received the required constitutional majority, is declared passed. Senator Judith Myers, on 1162? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1162...

PRESIDING OFFICER: (SENATOR DONAHUE)

Excuse me. Out of the record. Senator Watson, on House Bill 1163. Out of the record. Senator Myers, on House Bill 1164. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1164.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Myers.

SENATOR MYERS:

Thank you, Madam President, Members of the Senate. This bill amends the Probation and Probation Officers Act. It provides that before entering upon the duties of office, each officer shall take an oath before the chief -- Chief Judge to support the Constitution and laws of the United States. Currently this -- oath is taken and subscribed before the county clerk. In order for a county to be reimbursed for probation services, certain criteria must be met. One of these criteria is that the probation officer is a full-time employee appointed by the Chief Judge. This bill removes that requirement and it amends...

PRESIDING OFFICER: (SENATOR DONAHUE)

Excuse me, Senator Myers.

SENATOR MYERS:

...it removes the requirement that the probation officer be a full-time employee.

PRESIDING OFFICER: (SENATOR DONAHUE)

Just a second. I don't know if it's my hearing or what, but there's a lot of noise. Take your conferences off, and I would ask the speakers to speak up if you can. Senator Myers.

SENATOR MYERS:

Okay. And lastly, the probation officer will still have to be an employee appointed by the Chief Judge to provide probation services. I'd be happy to answer any questions, and -- and would appreciate a positive vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 1164 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

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. House Bill 1164, having received the required constitutional majority, is declared passed. Senator Radogno, on House Bill 1165? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1165.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Madam President, Members of the Senate. House Bill 1165 would allow nonhome rule municipalities to make arbitration of discipline a permissive subject of bargaining if they have not already negotiated arbitration of discipline in the past. There's a couple points that need to be emphasized here. This applies only to nonhome rule communities and it does not impact the Sheriffs' Merit Commission. I'd be happy to try to answer any questions and would ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Is the Municipal League still in opposition to this bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Radogno.

SENATOR RADOGNO:

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

I believe they are.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR RADOGNO:

I would just ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Question is, shall House Bill 1165 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 45 Ayes, 13 Nays, none voting Present. House Bill 1165, having received the required constitutional majority, is declared passed. Senator Jones, Wendell Jones, for what purpose do you seek recognition?

SENATOR W. JONES:

Yes. Madam President, on Senate Bill -- or, House Bill 1164 I should have been recorded as a Yes. My button wasn't working at the time. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The record will so reflect. Thank you. Senator Luechtefeld, on House Bill 1175. Out of the record. Senator Syverson, on House Bill 1177. Out of the record. Senator -- take leave to come back to that. Senator Cronin, on House Bill 1193. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1193.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President, Ladies and Gentlemen of the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Senate. House Bill 1193 is the Attorney General's Safe to Learn Program. We passed an identical Senate bill out and it has gone to the Governor's desk, but this is a bill that we're familiar with. We realize it's -- it's a response to much of the tragedy that we've seen in schools throughout America. This was a proposal that Attorney General Jim Ryan put forth before the tragic occurrence in Colorado, but this really and truly seeks to address the issue as best as government can address this type of a problem. It requires the Illinois Violence Prevention Authority to establish and administer a grant program to be known as the Safe to Learn Program. Funds appropriated to the Authority for this Program shall be used to support and fund school-based safety and violence prevention programs that address building security, violence prevention and intervention, techniques and policies in the school, crisis management, training of teachers and other school personnel. I ask for your favorable consideration of this -- of this needed and...

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Is there discussion? Seeing none, the question is, shall House Bill 1193 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? Take the record. On that question, there are 58 Ayes, 1 Nay, none voting Present. House Bill 1193, having received the required constitutional majority, is declared passed. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

I pushed the wrong button. I -- I want the record to reflect that I -- I would have voted Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

The record will so reflect. Senator Cronin, on House Bill 1194. Out of the record. Senator Sullivan, on House Bill 1195.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Read the bill, Madam Secretary. Just -- just a second. Can I ask the guards on the side to check outside, 'cause there's noise coming from somewhere. Please. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1195.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Bill 1195 is another in the package from Attorney General Jim Ryan, similar to the bill that Senator Cronin just proposed and we passed. It amends the Criminal Code in relation to the offense of aggravated discharge of a firearm, and it provides that a person also may commit the offense if the person knowingly or intentionally discharges a firearm at or into a building or a vehicle that the person reasonably should know to be occupied, and that includes school property or a school bus. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall House Bill 1195 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? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. House Bill 1195, having received the required constitutional majority, is declared passed. Senator Obama, on 1232. Out of the record. Senator Thomas Walsh, on House Bill 1252. Senator Thomas Walsh. Out of the record. Senator Watson, on House Bill 1261. Senator Watson, do you wish to recall House Bill 1261 to the Order of 2nd Reading for the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

purposes of amendment? Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1261. Madam Secretary, are there any amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Watson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson, on Amendment No. 1.

SENATOR WATSON:

Thank you very much, Madam President. This tightens up the language -- concerning what would be interest rates.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR CLAYBORNE:

Yes. Madam President, I have a point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point, sir.

SENATOR CLAYBORNE:

Thank you. One of our -- our newest Members celebrated a birthday yesterday. Obviously, I was told by my mother a long time ago not to divulge a -- a lady's age. But I'd like for everybody to recognize and wish -- Kimberly -- Senator Kimberly Lightford a belated birthday.

PRESIDING OFFICER: (SENATOR DONAHUE)

Happy birthday, Senator Lightford. Senator Clayborne.

SENATOR CLAYBORNE:

There is cake on the Democratic side, up front.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you. Senator Myers, Judy Myers, for what purpose do you rise?

SENATOR MYERS:

Madam President, point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR MYERS:

My good friend, Judge Claudia Anderson, her daughter, Celia, and the St. Paul's Catholic fifth grade class is here. They're behind the -- in the President's Gallery. Like to introduce them to the Senate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you please rise and be recognized by the Illinois Senate? Welcome to Springfield. Senator Cronin, on House Bill 1274. Out of the record. Senator Bowles, on House Bill 1278. Out of the record. Senator Luechtefeld, on House Bill 1282. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1282.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Madam President and Members of the Senate. House Bill 1282 amends the State Property Control Act and requires that priority be given to State universities and colleges offering aviation-related courses when a surplus State airplane is transferred between State agencies. I know of no opposition to this, and would appreciate a positive vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Is there discussion? Senator Welch.

SENATOR WELCH:

I've got a question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator, is there going to be competitive bidding for these planes, or we just give it to -- to a college based on they say they want one?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, from what -- from what I understand, the priority goes to universities in the State who have aviation programs. Not all do. I think there are two major ones in the State.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further -- Senator Welch.

SENATOR WELCH:

So whether they need the plane or not, they will -- they will get it. Can you guys quiet down? So whether they need the plane or not, SIU would get it and the State would get nothing?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Not necessarily. If SIU doesn't want the plane, I'm sure they don't have to take the plane, or don't have to request the -- that plane. We understand that there have been situations like that where a plane simply sat in a shed for a long period of time, and -- and nothing was done to it. These would be used a lot of time...(microphone cutoff)...

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Welch.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

SENATOR WELCH:

So the plane is a training plane to train students how to fly a plane then?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Well, from what I understand, that in most situations, it would be a plane used to work on -- from students, for instance, working on the airplane, repairing an airplane, putting it back together. That sort of thing, more than anything else.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, the question is, shall House Bill 1282 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. House Bill 1282, having received the required constitutional majority, is declared passed. Senator Dillard, on House Bill 1304. Out of the record. Senator O'Malley, on House Bill 1305. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1305.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President and Ladies and Gentlemen of the Senate. House Bill 1305, as amended, provides that the -- for an amendment to the Criminal Code in relation to the offenses of fraud on a governmental entity and insurance fraud. These offenses include causing a false claim to be made. The bill

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

expands the definition of insurance fraud to include the act of causing a false claim to be made by a third party, the act of causing a false claim of bodily injury or of damage to or loss of -- theft of property to be made against the governmental entity, and the act of causing three or more false claims to be made. The bill further provides that the act of causing a false insurance claim to be made shall be a trigger for liability for civil damages to the insurance company or governmental self-insured entity against whom the claim was made. I'd be happy to answer questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Cullerton.

SENATOR CULLERTON:

Senator, just want to clarify something that might show up on our Democratic analysis. Did we not amend this bill on -- in committee? And maybe you could just indicate what your amendment did, so as to remove some of the objections that were raised by -- by some people in committee.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Senator Cullerton for bringing that up. Yes, this -- this bill is being -- presented as amended. The provision that was amended had to do with the forfeiture of money profits and proceeds associated with the underlying offenses. I hope that's clear enough.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Senator O'Malley, to

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

close. Question is, shall House Bill 1305 pass. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 1305, having received the required constitutional majority, is declared passed. Senator Berman, on 1317. Out of the record. Senator Luechtefeld, on House Bill 1318. Out of the record. Senator Munoz, on House Bill 1321. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1321.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Munoz, on House Bill 1321.

SENATOR MUNOZ:

Thank you, Madam President, Members of the Senate. House Bill 1321 amends the Criminal Code relating to first degree murder, aggravated battery with a firearm and aggravated discharge of a firearm committed against a teacher or other school employees. This bill permits the death penalty for first degree murder of a teacher or other school employee. Requires mandatory imprisonment for aggravated battery with a firearm and for aggravated discharge of a firearm if committed against a teacher or other school employees. There's no known opposition at this time. The proponents of this bill is the Illinois Federation of Teachers, Statewide School Management Alliance. I will attempt to answer any questions at this time.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Molaro.

SENATOR MOLARO:

Yes. Thank you. Would the sponsor yield?

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Molaro.

SENATOR MOLARO:

What -- what's the current law for -- if someone does murder a teacher on school grounds? Are they eligible for the death penalty?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Munoz.

SENATOR MUNOZ:

It's my understanding, Senator Molaro, under -- under current law, yes, but this would take it a step further to -- for aggravating factors.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

Okay. What -- what about in current law do -- your bill address. So in other words, what -- what about a -- a student? What if a student, instead of -- or, someone commits murder, but it's not a teacher, it's a student that they wind up killing? Then there's a...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator...

SENATOR MOLARO:

...and if it isn't, I would like to know why there's a -- why there's a difference between murdering a teacher on school grounds, murdering a student on school grounds, murdering a visitor on school grounds. So -- meaning, if -- if me or you went to visit our children or someone else, if we get murdered, it's not death penalty eligible, but if they murder a teacher, it's death penalty eligible. And why would we have that difference if it takes place on school grounds?

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Senator Munoz.

SENATOR MUNOZ:

Just what was put into this bill, Senator Molaro, was only for the teacher or the employees. I don't know if there's -- has any other legislation that's coming up for visitors or the death penalty for schoolchildren, as it is right now.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR MUNOZ:

Thank you, Madam President. I'd ask for a favorable vote. There's no known opposition at this time. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Question is, shall House Bill 1321 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. House Bill 1321, having received the required constitutional majority, is declared passed. Senator Geo-Karis, on House Bill 1327. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1327.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies -- excuse me, Ladies and Gentlemen of the Senate, this bill, as amended, amends the Senior Citizens Assessment Freeze Homestead Exemption to change the base assessed value if the value of the home drops, and I ask for a favorable vote.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall House Bill 1327 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 57 Ayes, 1 Nay, none voting Present. House Bill 1327, having received the required constitutional majority, is declared passed. Senator Lisa Madigan, on House Bill 1333. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1333.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lisa Madigan.

SENATOR L. MADIGAN:

Thank you, Madam President, Members of the Senate. House Bill 1333 makes a number of changes. The first thing that it does is, we currently have a Sex Equity Advisory Committee, the bill would change the name of that to the Gender Equity Advisory Committee. And the bill also clarifies what it is that the Gender Equity Advisory Committee would do. With this bill, we would now try to ensure that all students have equal educational opportunities to pursue high-wage, high-skill occupations that lead to economic self-sufficiency. I believe that we got all the votes in the Education Committee, and I would urge your favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall House Bill 1333 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? Have all voted who wish? Take the record. On the question, that are

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

58 Ayes, no Nays, 1 voting Present. House Bill 1333, having received the required constitutional majority, is declared passed. Senator Wendell Jones, on House Bill 1334. Senator Jones. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1334.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Wendell Jones.

SENATOR W. JONES:

Thank you, Madam President, Members of the Senate. This amends the Property Tax Code relative to acquiring property through foreclosure of liens. I would appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is -- Senator Weaver. Oh, out... The question is, shall House Bill 1334 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 -- or, 1 voting Present. House Bill 1334, having received the required constitutional majority, is declared passed. Senator Weaver, on House Bill 1362. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1362.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver.

SENATOR WEAVER:

Thank you, Madam President. House Bill 1362 amends the Fire

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Protection District Act concerning the disconnection of territory from the Fire Protection District due to annexation into a municipality that provides fire protection. It requires the annexing municipality to pay on or before December 31st of each year, for a period of five years. And amounts set forth in the -- in the bill, as being the first year of that which they were receiving and then eighty percent the next year, sixty, forty and thirty, through the five years. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall House Bill 1362 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. House Bill 1362, having received the required constitutional majority, is declared passed. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Madam -- Madam President, point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR GEO-KARIS:

We're happy to have with us in the President's Gallery, Bill Reidel - R-E-I-D-E-L - who is the president of the Consumers' Cooperative Credit Union, one of our largest credit unions, from Waukegan, Illinois, and Stanley Pekol, a member of the board - P-E-K-O-L. We welcome them here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Welcome to Springfield. Will you please rise and be recognized? Senator Luechtefeld, on House Bill 1366. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

House Bill 1366.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Madam President and Members of the Senate. House Bill 1363 {sic} amends the Municipal Code to provide that a water commission or a municipality may join a -- or, may join a joint water supply and waterworks system if the -- if it meets certain qualifications. Also, there is an amendment put on this bill which authorizes employees of a municipality or county to become a commissioner. Would answer any questions, if you have them, and would ask a positive vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall House Bill 1366 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 57 Ayes, 1 Nay, and 1 voting Present. House Bill 1366, having received the required constitutional majority, is declared passed. Senator Bowles, on House Bill 1370. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1370.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Bowles.

SENATOR BOWLES:

Thank you, Madam President and Members of the Senate. House Bill 1370 amends the Vital Records Act to place only the names of

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

the biological parents on a birth certificate where the following procedure has been followed. This came out of a particular situation in my district; however, it is a very, very forward-looking piece of legislation, because I am satisfied, in my own mind, that this occasion is going to occur in the future. But, the surrogate mother certifies that she is not the biological mother of the child and that she is carrying the child of the biological parents; the husband of the surrogate mother, if there is a husband, that he is not the biological father of the child and that the child is the child of the biological parents; the sperm must be furnished by the biological father, the egg by the biological mother. Upon the birth of this child, this bill would provide that the licensed physician certified that the child carried by the surrogate mother is the child of the biological parents and not the surrogate -- and not the child of the surrogate mother or husband, and all writing of certifications to this effect should be made by the -- the persons involved, in front of witnesses. And -- with fulfilling all of the requirements as set forth, the birth certificates would reflect the names of the biological parents and not that of the surrogate. I would be -- I would ask for an affirmative vote. If there are any questions, I'd be happy to respond.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall House Bill 1370 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. House Bill 1370, having received the required constitutional majority, is declared passed. Senator Rauschenberger, on House Bill 1388. Read the bill, Madam Secretary.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

ACTING SECRETARY HAWKER:

House Bill 1388.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. {sic} President, Ladies and Gentlemen of the Senate. House Bill 1388 requires that any State employee who is assigned a vehicle must annually certify that he is licensed to drive and that he has insurance. It arises from an incident that occurred in Representative David Leitch's district. It's a reasonable proposal. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall House Bill 1388 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. House Bill 1388, having received the required constitutional majority, is declared passed. Senator Bowles, on House Bill 1392. Out of the record. Senator del Valle, on House Bill 1399. Senator del Valle? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1399.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator del Valle.

SENATOR del VALLE:

Thank you, Madam President. This bill was -- was amended in committee. It deleted the -- the bill that came over and put in

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

language providing that IDPA shall develop procedures to allow youth service agencies, employers, unions, chambers of commerce and religious organizations in the process of assisting in the enrollment of children in the KidCare Program.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall House Bill 1399 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. House Bill 1399, having received the required constitutional majority, is declared passed. Senator Dudycz, on House Bill 1408. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1408.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDY CZ:

Thank you, Madam President. House Bill 1408, as amended, would make it illegal to sell a vehicle with illegally tinted windows. Additionally, it removes the language in current law which states that a dealer or a manufacturer cannot be sued for selling a vehicle with illegally tinted windows. The penalty would be a petty offense with a fine between fifty and five hundred dollars for the first offense, and a Class C misdemeanor with a fine of between one hundred and five hundred dollars for the second or subsequent offense. And I would seek your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Klemm.

SENATOR KLEMM:

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

A question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Klemm.

SENATOR KLEMM:

Did we amend that, Senator, to include that no one could sell any -- the vehicle, rather than just a private seller?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCH:

That's correct, Senator Klemm. We added language that would delete the language that indemnifies the dealers from -- from being sued for selling illegally tinted windows. If it's good enough for the average citizen, it should be good enough for the dealer.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Senator Welch?

SENATOR WELCH:

I've got a question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Welch.

SENATOR WELCH:

This bill makes it illegal for me to sell a car if the windows are tinted beyond a certain degree of tinting, is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCH:

Yes, that's correct.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Has there been a rash of cars that are overly tinted in the State that we need to have legislation or -- or what?

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCH:

I think I saw your car the other day, Senator Welch, and I think it was a little too dark, the windows. No -- actually, what this is -- this is for law enforcement. Law enforcement is having a problem. They're pulling cars over, and they're going to these tinting places and they are getting this film placed on the vehicles, and they're just totally obliterating the visibility from the police officers that are approaching the cars. What this would do is say that if you have such a vehicle with tinted windows, it would make it illegal for you to sell that vehicle, as well as for a dealer to sell that vehicle, and it's a petty offense.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Well, is it currently illegal to possess a vehicle with overly tinted windows?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCH:

That -- that's correct. That's current law, Senator Welch.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Well, so then, a person who sells a vehicle with a window that is tinted too darkly is guilty of two offenses; one, possessing an overly tinted window in a vehicle; and, two, selling a vehicle with overly tinted windows. So what are the -- what are the penalties for both of those heinous crimes?

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Senator Dudycz.

SENATOR DUDYCYZ:

I'm sorry. Could you repeat the question? I didn't hear you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Well, why is the staff guy talking in -- in your ear? I asked -- if you own the vehicle, that is a crime in itself. If you sell the vehicle, that is a crime in itself. So, when you sell the vehicle, you've committed -- you can be charged with two separate crimes. What is the penalty for each of those crimes and are they compounded by -- by doing that?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCYZ:

Senator Welch, for selling -- for selling the vehicle, you are guilty of a petty offense. As -- had you been listening earlier -- Senator Welch? Senator Welch, had you been listening earlier, you would have heard me say that the penalty is a petty offense with a fine between fifty and five hundred dollars for the first offense and a Class C misdemeanor for the second and subsequent offenses. Current law, it's illegal for you to have that car. Now, whether you are stopped in possession of the car or prevented from selling the car, you know, that's -- you're right, that is two different offenses. But if you're going to be driving, you could actually be stopped by a police officer and be in possession with a car where the tinted windows are -- are -- are too dark. This is more a preventative measure, Senator Welch.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, the question is, shall House Bill 1408 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, 1 Nay, none voting Present. House Bill 1408, having received the required constitutional majority, is declared passed. Senator Thomas Walsh, for what purpose do you rise?

SENATOR T. WALSH:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Please proceed.

SENATOR T. WALSH:

Thank you. Madam President, today is Hiawatha School Day in the State Capitol, and I am proud to introduce another group that we have from Hiawatha School, of eighth graders that are sitting behind the -- the Democratic side. And if everybody would welcome, from Berwyn, Illinois, the Hiawatha School group.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you please rise and be welcomed by the Illinois Senate? Welcome to Springfield. Senator Dillard, on House Bill 1464. Out of the record. Senator Luechtefeld, on House Bill 1510. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1510.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Madam President and Members of the Senate. House Bill 1510 sets Department of Corrections requirements for contracting nursing services to private contractors. Committee Amendment No. 1 really becomes the bill, and basically it said it requires that the Department of Corrections nurse privatization

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

contract specify that the contractor may not pay wages and salaries at a rate lower than that provided to entry-level State nurses. This removes the Department of Corrections opposition to the bill. Would answer any questions and ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The -- is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 1510 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. House Bill 1510, having received the required constitutional majority, is declared passed. Senator Rauschenberger, on House Bill 1532. Out of the record. 1534. Read the bill, Mr. -- oh. Out of the record. Senator Larry Walsh, on 1538? Out of the record. Senator Maitland, on House Bill 1580. Out of the record. Senator Robert Madigan. Senator -- out of the record. Out of the record, on 1598. Senator Viverito, on House Bill 1617. Out of the record. Senator Sieben, on House Bill 1657. Senator Sieben. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1657.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Sieben.

SENATOR SIEBEN:

Yes. Thank you, Madam President. This legislation is an initiative of the Illinois Student Assistance Commission. It does two things. It says that you need to apply for this within two months, rather than three, and then it incorporates in Senate Amendment No. 1 the statutory language for the special education

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

teacher tuition scholarship program. I know of no opposition, and I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall House Bill 1657 pass. Those in favor will vote Aye. Those opposed will vote No. 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. House Bill 1657, having received the required constitutional majority, is declared passed. Senator Cronin, on House Bill 1670. Out of the record. Senator Fawell. Out of the -- on 1676. Out of the record. Senator Peterson, on 1688. Out of the record. Senator Peterson, on 1695. Out of the record. Senator Thomas Walsh, on House Bill 1697. Out of the record. Senator Berman, on House Bill 1722. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1722.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Berman.

SENATOR BERMAN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill -- I'm sorry, House Bill 1722 addresses a question that existed when we passed the program for College Illinois. That's the program where a parent or grandparent can prepay for the college tuition costs of their children or grandchildren based upon today's tuition as to what it might be necessary to admit that child financially down the road - three years, four years, ten years down the road. There was a question, technical question, as to whether this plan was backed up by the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

full faith and credit of the State of Illinois, because that language was deleted in the original language of the bill that passed. We have proposed several alternatives. This was a suggestion from the Chairman of the Education Committee, Senator Cronin, that we permit ISAC and the College Illinois program to purchase insurance down the road so that the full cost of tuition would be available in case there was a drop in the stock market or in the bond market or in -- or in the investments. Discussions are still going on with us and ISAC and with some of our expert advisors as to what's down the road. This is one alternative. Discussions are going to continue. I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Berman, how do they determine how much insurance to buy? Are they projecting what tuitions will be over a certain period of time?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Berman.

SENATOR BERMAN:

No, that's really not involved. The question would be, on -- and it's really a question of the insurance people, it's -- it's similar to what FDIC does. When you -- when you put your money into a bank account, what's going to happen if that bank fails? You have to project on, you know, how good are -- is the bank's leadership, investment policies, et cetera, because there is a base here of what is contributed to the fund. The question is going to be, how many years are we looking to pay up, what's going

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

to happen with the investment market in that period of time. It's -- certainly, it's beyond my comprehension as to what those terms would be, but there are people out there that could give a suggestion as to the kind of guarantee insurance ought to be available. I haven't been able to give you specifics because I'm not sure that anybody can, but I've tried to draw an analogy between FDIC insurance and this insurance, as to a -- what is similar.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President. I rise in support of this legislation. I think Senator Berman identified an issue with respect to the College Illinois program. We make representations to families and taxpayers and people who are concerned about paying the college tuition down the road, that we're going to -- we're going to guarantee that they -- if they put their money into this program, that the money will be there to pay the tuition, when the fact of the matter is, is there really is no mechanism to do that, a guarantee. I and my colleagues on the committee, we were reluctant to implement a continuing appropriation. We didn't want to go down that path. We didn't want to take any other major policy position that would -- that would pledge the -- the budget and hamstring the Legislature, so the suggestion came forth that -- that why don't these folks buy insurance, much like the FDIC insures bank deposits. It seems like a -- a reasonable way to approach this thing. It was well received by the Illinois Student Assistance Commission, and this is a -- this is a -- is good legislation, it's needed legislation, it's responsible legislation. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Sieben.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

SENATOR SIEBEN:

Thank you, Madam President. I also rise in support. Following discussion in -- in the Senate Education Committee, you know, I asked ISAC to review with us the investment policy. And obviously insurance would not be needed if the asset allocation that's used for these funds is properly managed by an investment firm and is invested in a conservative portfolio, conservative growth model, so that there would be minimal risk to these funds. I'm satisfied, in reviewing the policy -- the investment policy of ISAC, that those -- those funds are appropriately invested and in diverse asset allocation to minimize the risk that there would ever be a loss on these funds that would not pay out to somebody who invested in the College First {sic} Illinois. So I support this legislation in conjunction with the sound investment policy.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, Senator Berman, to close. The question is, shall House Bill 1722 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. House Bill 1722, having received the required constitutional majority, is declared passed. Senator Cronin, on House Bill 1728. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1728.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President, Ladies and Gentlemen of the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Senate. This bill states that a superintendent, principal or administrator -- administrator waives his or her rights concerning tenure by accepting the terms of a multi-year contract only for the term of that multi-year contract. This legislation came to us through the administrators and principals who didn't want to be penalized after they've spent X number of years in the classroom and they take a position as a -- as an administrator or principal. They didn't want to be penalized and -- and lose all the time that they had put in -- or, toward tenure. So this simply says that you won't be penalized. The time that you're out of the classroom, of course, won't be counted towards your tenure, but it won't be counted against you either.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Question -- question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Cronin, in effect, are they -- are this -- these administrators asking to have their cake and eat it, too? They'd like to be able to take the option and have multi-year contracts granted by their school boards or -- or by their administration and at the conclusion of their term, they'd like to be re-vested with rights as a tenured teacher?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

Yeah, pretty much, I'd say.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Senator Cronin, thank you for restoring my faith in the focus of the kind of leadership we have in schools across the State of Illinois. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Is there further discussion? If not, the question is, shall Senate Bill 1728 pass. All those -- House Bill 1728 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, 1 voting No, no voting Present. House Bill 1728, having received the required constitutional majority, is declared passed. House Bill 1740. Tom Walsh? Senator Tom Walsh. Out of the record. House Bill 1743. Senator Tom Walsh. Out of the record. Senate Bill -- House Bill 1762. Senator Cronin? Out of the record. House Bill 1780, Senator Burzynski, is out of the record. House Bill 1813. Senator Radogno? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 1813.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President and Members of the Senate. House Bill 1813 would prohibit a defendant who's been charged with DUI from receiving suspension -- or, excuse me, from receiving supervision if that individual has already received supervision in another state for either DUI or reckless driving. Currently in Illinois you can't have two supervisions, and this would bring offenses in another state in line with Illinois.

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Is there any discussion? Senator Molaro.

SENATOR MOLARO:

Thank you. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield, Senator Molaro.

SENATOR MOLARO:

Now, I can see, obviously if someone's been convicted in another state, to get supervision, you have to plead guilty on a DUI. So, therefore, if someone is convicted in another state and receives supervision, it should be in with Illinois law. Now, our -- my analysis doesn't show it, but you just mentioned reckless driving. Now, that means, does the reckless driving have to be alcohol related in the other state? Because we were just -- had something in our committee -- you can answer that.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Radogno.

SENATOR RADOGNO:

I hope I can answer that. It refers to when the DUI has been plead down to reckless driving.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any further discussion? Is there any further discussion? If not, the question is, shall House Bill 1813 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 -- 58 voting Yes, no voting No, no voting Present. House Bill 1813, having received the required constitutional majority, is declared passed. There's an awful lot of noise here, and I don't necessarily think it's all coming from the Floor. I think a lot of it is coming from over the wall. Will -- will the doormen go out there and just ask those people to take their conferences out of there? Maybe on both sides. Nobody there. All right.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Anyway, let's hold it down. House Bill 1813. Senator -- I'm sorry. 1816. Senator Petka. Out of the record. House Bill 1817. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 1817.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President, Members of the Senate. House Bill 1817 would add an additional aggravating factor for a person who commits the offense of battery within a nursing home or on the real property of a nursing home. The bill had been amended in committee to delete the requirement that came out of the House that any battery committed within a thousand feet of a nursing home would also qualify for -- in terms of a factor in aggravation. I would move for its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 1817 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 voting Yes, no voting No, no voting Present. House Bill 1817, having received the required constitutional majority, is declared passed. House Bill 1832. Senator Syverson? Out of the record. House Bill 1837. Senator Tom Walsh. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 1837.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

PRESIDING OFFICER: (SENATOR WATSON)

Senator Tom Walsh.

SENATOR T. WALSH:

Thank you, Mr. President. House Bill 1837 amends the Interest Act in a section relating to the amount of interest which can be charged on money after payment is due. It increases the allowable rate from five percent to nine percent, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? Senator Silverstein.

SENATOR SILVERSTEIN:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Silverstein.

SENATOR SILVERSTEIN:

Is this in conflict with prejudgment interest?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Walsh.

SENATOR T. WALSH:

This has nothing to do with that.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? If not, the question is, shall House Bill 1837 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 voting Yes, 20 voting No, 5 voting Present. House Bill 1837, having received the required constitutional majority, is declared passed. House Bill 1841. Senator Dillard? Senator Dillard on the Floor? Out of the record. House Bill 1845. Senator Wendell Jones. Mr. Secretary, please read the bill.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

SECRETARY HARRY:

House Bill 1845.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Wendell Jones.

SENATOR W. JONES:

Mr. President and Members of the Senate, this amends the Marriage and Dissolution of Marriage Act relative to grandparents filing petitions for visitation privileges. Will make it easier for grandparents to visit their grandchildren. I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Sullivan.

SENATOR SULLIVAN:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Sullivan.

SENATOR SULLIVAN:

Senator Jones, what about a case where there was a very nasty divorce -- what about a case where there was a nasty divorce and very wealthy grandparents who may try to drag the custodial parent through court? Can you address that issue, please?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Wendell Jones.

SENATOR W. JONES:

This deletes the existing provisions allowing broader visitation rights for grandparents and add -- adds language that allows modification of an order granting, denying or limiting visitation rights of a grandparent, great-grandparent or sibling of any minor child whenever a change of circumstances has occurred based on facts occurring subsequent to the judgment and the court

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

finds by clear and convincing evidence that modification is in the best interests of the minor child. This places a higher standard on modification of a visitation order for grandparents than is required to modify parental visitation, Mr... Senator Sullivan.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Sullivan.

SENATOR SULLIVAN:

Just wanted to clarify it. It's what is in the best interest of the child, not necessarily what the grandparents want.

SENATOR W. JONES:

Yes.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jones.

SENATOR W. JONES:

Yes, Senator Sullivan. This places a higher standard and must have clear and convincing evidence by the court.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Fawell.

SENATOR FAWELL:

Could you clarify for me, what is the status of a grandparent if a grandchild is adopted by another couple or if the father -- the stepfather becomes the father or stepmother becomes the mother? What's the status of the grandparents at that point?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jones.

SENATOR W. JONES:

Senator Fawell, this does not change the underlying rights, as you indicated.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? If not, Senator Jones, do you wish to close?

SENATOR W. JONES:

No. I would just appreciate a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Question is, shall House Bill 1845 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, 1 voting Present. House Bill 1845, having received the required constitutional majority, is declared passed. House Bill 1860. Senator Bomke? Senator Bomke on the Floor? Excuse me. Out of the record. We'd like to welcome to the Senate Floor Representative John Fritchey. I understand you're already adjourned and out practicing. We have our scouts out. House Bill 1863. Senator Luechtefeld? Out of the record. House Bill 1879. Senator Robert Madigan. Out of the record. House Bill 1893. Senator Mahar? Please read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1893.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. The Public Water Supply Loan Program provides assistance in financing the construction of public water supplies to comply with State and federal drinking water laws and regulations. A report was issued to the General Assembly in 1998 requesting this be expanded to privately owned community water supplies as well. This bill does that. I know of

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

no opposition and would look forward to a positive vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 1893 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, 1 voting No, no voting Present. House Bill 1893, having received the required constitutional majority, is declared passed. House Bill 1896. Senator Klemm. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1896.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm. Pardon me. Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. House Bill 1896 really is a reenactment of a portion of Public Act 89-404, which was last year declared unconstitutional due to the violation of the single subject rule. What it does is provide -- the Illinois Municipal Code, changes that to allow police officers of any municipality of such a police district have full authority and power as peace officers and may go to other parts of the district to exercise that authority. It also allows any peace officer employed by a law enforcement agency to conduct temporary questioning and arrests in that jurisdiction if they meet a couple provisions. They also, if they have that, must give immediate notice of the arrests. The Illinois Association of Chiefs of Police, the Illinois Sheriffs' Association all support the bill. I know of no opposition. Ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 1896 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 voting Yes, no voting No, no voting Present. House Bill 1896, having received the required constitutional majority, is declared passed. House Bill 1905. Mr. -- Mr. Secretary, please read the bill.

SECRETARY HARRY:

House Bill 1905.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President and Members of the Senate. House Bill 1905 extends the current exemption for -- for -- from sales and use taxes to not-for-profit arts or cultural organizations that present or support arts or cultural programming, activities or -- or services. Currently, we allow for music or dramatic art organizations, but we do not allow for cultural organizations. I'm open for any questions and I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Not on this bill, but I -- I inadvertently voted Yes on 1837, and I should have voted No.

PRESIDING OFFICER: (SENATOR WATSON)

The record will so indicate. Is there anybody that'd like to talk on this bill? If not, the question is, shall Senate Bill -- House Bill 1905 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. House Bill 1905, having received the required constitutional majority, is declared passed. Senator Sullivan, House Bill 1926. Out of the record. Senator Sullivan, on 1935. Out of the record. 1966. Senator Petka? Out of the record. House Bill 1968. Senator Luechtefeld. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1968.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President and Members of the Senate. House Bill 1968 increases the aggregate principal amount of bonds that the Farm Development Authority may issue by twenty-five million. Would answer any questions and ask for a positive vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 1966 {sic} pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, 1 voting Present. House Bill 1968, having received the required constitutional majority, is declared passed. House Bill 1972. Senator Noland? Please read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1972.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

PRESIDING OFFICER: (SENATOR WATSON)

Senator Noland.

SENATOR NOLAND:

Thank you, Mr. President. House Bill 1972 amends the Recreational Trails Act by changing the composition of the State off way -- Off-Highway Vehicle Trails Advisory Board. Also provides that an ATV used for agricultural production can purchase a sticker to use a State trail, and it contains language at the request of Secretary of State to clarify current law with the way a dealer holds an ATV for -- for trade or for resale. Appreciate your consideration.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 1972 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. House Bill 1972, having received the required constitutional majority, is declared passed. House Bill 1978. Senator Berman? Art Berman on the Floor? Out of the record. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

State your point.

SENATOR GEO-KARIS:

In the President's Gallery up there, we have the president of the Community Trust Credit Union, John Bratsakis, Jr., - B-R-A-T-S-A-K-I-S; Shawn Depke, who's been a lifelong member of that community, and Janice Davis, from Gurnee, Illinois. It's one of our finest credit unions. We'd like you to welcome these folks here.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Will our guests in the gallery please rise? Welcome to Springfield. Glad to have you here. House Bill 1987. Mr. Secretary, please read the bill.

SECRETARY HARRY:

House Bill 1987.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President and Members of the Senate. House Bill 1987 removes the low-income housing tax credits -- thank you. Thank you, Mr. President. House Bill 1987, which is an initiative of the Assessor of Cook County, removes the low-income house tax credits authorized by the U.S. Tax Code from the rights and privileges included in the definition of property, real property, real estate, land, tract and lot. It requires that when determining fair cash value of property, receiving benefits in the low-income housing Tax Act authorized by the U.S. Code, that we would look at the income approach, except in those circumstances where another method is clearly appropriate. Basically this simplifies the process and makes it fair and equitable and increases the incentives for private investors to invest in low-income housing. I'm open for any questions. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Discussion? Senator Lauzen.

SENATOR LAUZEN:

A question for the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Lauzen.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

SENATOR LAUZEN:

Could you explain to the -- to the Senate the impact that higher leverage will have on the income approach to assessment of property -- property taxes here?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Clayborne.

SENATOR CLAYBORNE:

Yes. Basically, the -- the income approach, if I believe I understand your question, will deal with comparable market sales approach. I guess I really don't understand your question, Chris, but I believe what you want me to say is that it's a fair process. I mean, they will look at the total income that is -- that is derived from this, minus the net expenses and will come up with the valuation of -- of what the property is worth. I assume that's the -- the question you're asking.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

Thank you very much. Senator, I trust that any -- any legislation that you'd bring forward would certainly be a fair approach, but the -- the first answer to the question, that comparable market value would not be that. It would be the income approach, which was the second answer, which was the income versus the expense. Wouldn't it be true that if we used the income approach to assess property tax, that that will encourage people to leverage these properties more aggressively because the greater the interest expense, the lower the profit, therefore, the lower the assessed tax on that property? So won't it encourage more highly leveraged low-income housing?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Clayborne.

SENATOR CLAYBORNE:

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

I guess I agree with that.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? If not, the question is, shall House Bill 1987 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 47 voting Yes, 8 voting No, 3 voting Present. House Bill 1987, having received the required constitutional majority, is declared passed. House Bill 2008. Senator Cronin? Out of the record. House Bill 2023. Senator Molaro? Out of the record. House Bill 2037. Senator O'Malley. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2037.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2037 is intended to protect the lives and property of public officials and their immediate family members. Current law provides that a person commits the offense of threatening a public official if he or she knowingly and wilfully delivers or conveys to a public official any communication contained in a threat to take the life or to inflict great bodily harm upon a public official or a member of the public official's immediate family. The bill that's before us expands the offense to include any means of communication to a public official that contains a threat that would place the public official or an immediate family member in reasonable apprehension of immediate or future bodily harm or in reasonable apprehension that damage will

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

occur to property in the custody, care or control of the official or immediate family member and the threat was a result of the official's public duties or because of hostility toward the status or position of that public official or because of any other factor related to the official's public existence. The bill also upgrades the penalty to a Class 3 felony for a first time offender, and also makes it a Class 2 felony for a second or subsequent offense. Be happy to answer any questions there could be.

PRESIDING OFFICER: (SENATOR WATSON)

Discussion? Senator Berman.

SENATOR BERMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Berman.

SENATOR BERMAN:

You know, one of the beauties of our system - and I'm sure it's happened to you because it's happened to me, and it's happened to every one of us - you go to some meeting and some irate voter stands up and swears at us, criticizes us, vehemently. Is it any type of legislative intent to discourage that kind of discussion by this bill?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Berman, I'm -- I'm glad you raise a question to make sure it's clear to everybody: In no way, shape or form is this bill intended to restrict our First Amendment privileges.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Yes. Thank you. Would the sponsor yield for a question?

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Molaro.

SENATOR MOLARO:

Most of the time when you're talking about an assault, and this language talks about assault of a public official, you're talking about immediate harm, but I see the word "future threats" or "future harm". Could you explain what you mean by future harm?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Well, first of all, it talks about placing a public official or an immediate family member in reasonable apprehension of immediate or future bodily harm. As you know, Senator, there could be a communication that would have to be -- under the existing law, would have to constitute a telephone communication, a letter, a paper, a writing, print, missive or -- or document containing such a threat, and that -- that -- that can suggest that there would be an immediate harm that you should expect or that you can anticipate it in the -- in the future, certainly in the near future, and it goes to things including sexual assault, confinement or restraint.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Molaro.

SENATOR MOLARO:

I just think -- this certainly -- the part of the bill about the family members, I'm in total agreement with. I think that should always be off-base in any letters or phone calls to any family members of a public official. I think you probably should enhance the penalties even further. I'm -- I'm a little worried about the fact, however, there are certain ways that people talk and comment in everyday language, send letters. You know, you get letters or sometimes on our answering machines or -- or voice

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

mail, where you get a "Hey, Senator, you're going to get yours," and all that other kind of stuff, that we don't go too far in -- in making this a Class 2 felony or -- Class 3 felony, I'm sorry. So for -- for our parts, as elected official, I think goes too far. For our families' part, it may not even go far enough. So...

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR O'MALLEY:

I would just add that the comments from Senators Berman and Molaro are well made. It's important for us to create a record and establish that in no way, shape or form are we inhibiting, by this legislation, an individual's right to communicate with -- with their public officials. But if we have a reasonable apprehension of -- of such harm to us or to our immediate family members, and reasonable is a very important standard for us to overcome and to make such a charge, that I believe this is appropriate legislation. I'd ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall House Bill 2037 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting -- no voting No, 2 voting Present. House Bill 2037, having received the required constitutional majority, is declared passed. House Bill 2042. Out of the record. House Bill 2085. Senator Burzynski. Mr. Secretary, please read the bill.

SECRETARY HARRY:

House Bill 2085.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, this provides that implements of husbandry manufactured after January 1st, 2003, must meet new standards for markings and lighting adopted by the American Society of Ag Engineers, to make them more visible on highways. I know of no opposition.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 2085 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 voting Yes, no voting No, no voting Present. House Bill 2085, having received the required constitutional majority, is declared passed. House Bill 2088. Senator Dillard? Out of the record. House Bill 2096. Senator Bowles? Please read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2096.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President, Members of the Senate. House Bill 2096 amends the Unified Code of Corrections as it regards Interstate Probation Reciprocal Agreements, and what this bill does is it provides that the sentencing court may transfer its jurisdiction over an offender released on probation or conditional discharge to another state under an Interstate Probation Reciprocal Agreement. The Illinois Probation and Court Services

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Association is very supportive of this -- of this amendment, and while the Illinois State Supreme Court has not taken a position, they're neutral on it. They've indicated that this bill will definitely improve the operations of the circuit clerk's office. I would ask for -- for an affirmative vote. If there are any questions, be glad to be responsive.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 2096 pass. All those in favor, vote Aye. Opposed, vote No. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On -- on that question, there are 59 voting Yes, no voting No, no voting Present. House Bill 2096, having received the required constitutional majority, is declared passed. House Bill 2098. Senator Bowles. Mr. Secretary, please read the bill.

SECRETARY HARRY:

House Bill 2098.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Bowles.

SENATOR BOWLES:

House Bill 2098 amends the Juvenile Court Act of 1987 as it references the conditions for nonjudicial probation. Amends the Code of Criminal Procedure of 1963 as it references reasonable fees for pretrial services. Amends the Probation and Probation Officers Act in reference to fees for pretrial services. In the Juvenile Court Act, a nonjudicial probation adjustment plan for a minor that provides for up to twelve months of informal supervision with a probation officer may include any of the conditions of the judicial probation. The Code of Criminal Procedure, under that, a person under the supervision of a

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

pretrial services agency, a probation department or a court services department may be charged a reasonable fee according to his ability to pay for pretrial services such as supervision, diversion programs, electronic monitoring, victim impact services, drug and alcohol testing and victim mediation services. The chief judge of the judicial circuit is responsible for setting the fees, and then the pretrial services shall be deposited into the probation and court services fund established by the county treasurer. And it also addresses the Unified Code of Corrections to this extent: When an authorized agency other than a court, a law enforcement agency, a probation department, a teen court, community mediation or other diversion program orders a person to do community service for a violation of a criminal statute of the State, of a local government ordinance or of a traffic offense, the State's shareholder, director, volunteer and employee thereof is liable only for willful, wanton misconduct or gross negligence if the person performing the community service suffers or causes injuries. The Probation Service Act expands the definition of "site" to include a church, a charitable organization, corporation, business or individual agreeing to monitor and report on community service. It provides the same immunity from liability as the amendment to the Unified Code of Corrections. I would ask for an affirmative vote, unless there are any questions for which I would be happy to respond.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 2098 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. There's 59 voting Yes, no voting No, no voting Present. House Bill 2098, having received the required constitutional majority, is declared passed. House Bill 2104.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Senator Cullerton? Please read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2104.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This comes from actually a constituent in our district, and it deals with noncondominium townhome -- noncondominium townhomes, and what it says is that the -- when these noncondominium townhomes are -- when the instrument that sets them up, when it -- concerning the common interest property, that it must provide for maintenance assessments for a townhome that are consistent with the following factors, and those factors are: the square footage, the assessed valuation of the townhome in relation to other townhomes in the area, and the special assessments of the townhome for insurance premiums. The reason for this is that there was a situation in our district where a developer set up a -- one of these noncondominium townhomes and he gave everybody the same maintenance assessment regardless of the -- of the size of the unit. And as a result, the bigger, larger units have the -- have the same assessment -- maintenance assessment as the smaller ones, which is clearly unfair. The reason why he did that, I'm told, is because the developer wanted to buy this. So as a result, I don't believe that this bill can affect that particular townhome that's in my district, 'cause I don't believe that we can make it retroactive. But in the future, it would just say that all declarations for these noncondominium townhomes will be treated very similar to the way condominiums are done now. A -- a value is given to each condominium when they're set up. The ones that

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

are higher up usually are worth more. The ones that are bigger are worth more. And this would just say that the townhomes that are not condominiums are treated in the same fashion. Appreciate your vote and be happy to answer any questions, if you have any.

PRESIDING OFFICER: (SENATOR WATSON)

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, can you explain to me -- you used the word unfairness or the inequity. If we're talking about common elements, which are outside the -- we're not talking about common elements? All right. I misunderstood you, then. What -- what are we -- what's the assessment for then?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

Yes. It's maintenance assessments for the actual units. I'm sorry.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Further discussion? If not, the question is, shall House Bill 2104 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 voting Yes, 3 voting No, 3 voting Present. House Bill 2104, having received the required constitutional majority, is declared passed. House Bill 2166. Robert Madigan. Out of the record. Moving right along. On page 15, at the top of page 15, we have House Bill 2176. Senator

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

O'Malley. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2176.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. Chairman and Members of the Senate. House Bill 2176 amends the Solicitation for Charity Act and the Charitable Trust Act. It provides that a circuit court may impose a civil penalty upon an organization or trust estate that has failed to file a registration statement with the Attorney General's Office. For background information, in the '97 spring Session, House Bill 1211, which is now law, was a legislative initiative of the Attorney General to make major changes to the Charitable Trust Act and the Solicitation for Charity Act. When the Governor signed the legislation, he acknowledged that several provisions of the bill may be going too far and secured the Attorney General's commitment to seek a revisory bill that would address the concerns raised by groups representing charities and others and other not-for-profit organizations. This bill represents the trailer legislation to that House Bill 1211, which is now Public Act 90-0469. The language has been negotiated between the affected organizations and the Attorney General's Office. Be happy to answer any questions you may have.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Fawell.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

SENATOR FAWELL:

Are you saying that if there is a charitable trust fund and it doesn't fulfill its obligations, the -- that we "may" penalize them rather than "shall"?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

What I'm saying is that -- that -- that the circuit court may, under those circumstances, impose a civil penalty. It gives the court some discretion to do so, so that based on the circumstances, that they may do it, as opposed to having to do it.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Is the Attorney General in agreement with this change?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

It was negotiated between the Attorney General's Office and the not-for-profits that were affected by the previous legislation.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator O'Malley, we get a lot of groups calling in -- in downstate. A lot of them say they're with the local police department or with the local sheriff's office and they're raising money for a fundraiser. Now, if they don't have to register, and

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

they do raise money because they'll send somebody directly to your office to pick up a check, how do you know that it's not a fraudulent organization before they're gone?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Welch, I -- I -- while I think that's a very important question, I don't know specifically what the answer to it is, but I think this is a concern that, you know, you apparently have, I have, and I would be surprised if any Member of the Senate did not have.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Cronin.

SENATOR CRONIN:

I just wanted to chime in here, if I may. We worked on similar legislation last Session. I was sort of involved with the Attorney General, and many of you may not know but there is a provision in the law that says that if somebody calls your home, some telemarketer, some charitable organization that has hired someone else or some seemingly charitable organization, you have a right to ask them, or they have an obligation to tell you that you can review their -- their financial report before you make a decision about whether or not to contribute, much like we have to do on our solicitations for political contributions, "a copy of our report is or will be available." They've got to tell you that, and the idea is that -- that they tell you that and then it gives you an opportunity to review whether or not they're legitimate. It's not being enforced. Not many people know about it. It's a very difficult problem. I commend Senator O'Malley for taking another stab at this thing, but I think we should support the Attorney General's increase in his budget to help them enforce these kinds of problems.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

If the sponsor will yield.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicate he'll yield, Senator Demuzio.

SENATOR DEMUZIO:

Well, Senator O'Malley, I was just -- read a -- a blurb here in one of my digests that says that it would remove the requirement that a court impose a mandatory civil penalty for failure to register or failure to file reports and give the court the ability to impose the civil penalty at its -- at its discretion. What would be the purpose in doing that?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Demuzio, I think what you've just outlined is -- I mean, that's the essence of what this bill does. It -- it says that the courts shall have the discretion as to how these penalties will be imposed, and it's something that has been negotiated between the charitable organizations and the Attorney General's Office that initiated the original legislation that is now law.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I guess that's my point. If it's already in the statute with respect to if you're found guilty, there are certain penalties, why are we lessening that to give discretion to the court? I don't understand why we're doing that.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

SENATOR O'MALLEY:

Senator Demuzio, as explained to me by the charitable organizations who were interested in this, they raised their concerns and objections that perhaps to -- to -- to make them all be painted with one color, regardless of the nature of whatever their failure may have been. For instance, failing to file a specific paper in a timely fashion, but having no intention whatsoever to do it in any sort of an egregious fashion or a willful fashion, is exactly what was discussed between those parties and the Governor's Office back when the original legislation was drafted. The Attorney General agreed to work with them to come up with trailer legislation to correct that and address their concerns, and this is what they have negotiated and agreed to.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio.

SENATOR DEMUZIO:

Well, let me ask you this question. I notice also that it eliminates the requirement that the Attorney General's Charitable Advisory Council to study the feasibility of establishing a rating system for charitable trusts and organizations. That was put in there, I suspect, for a -- a good purpose. Why are we -- are we now attempting to eliminate that call for a rating system?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Again, Senator Demuzio, these were negotiations between the Attorney General's Office and these charitable organizations.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio.

SENATOR DEMUZIO:

Well then, why are we raising the threshold for charitable

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

trust filings and reporting from fifteen thousand to twenty-five thousand? What's the purpose for that?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

This is largely -- you know, the major negotiations or the -- the major interested parties in the negotiations are the smaller charities, and so this gives not only the courts but apparently the Attorney General's Office additional discretion and -- and -- and the opportunity for these smaller charities to grow and thrive in Illinois.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? If not, Senator O'Malley, do you wish to close?

SENATOR O'MALLEY:

No, sir. I'd be...(microphone cutoff)...ask for the request of the Members of the Senate.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall House Bill 2176 pass. All those in favor, vote Aye. Opposed, vote No. 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 45 voting Yes, 13 voting No, no voting Present. House Bill 2176, having received the required constitutional majority, is declared passed. Senator Cullerton, for what purpose do you rise, sir?

SENATOR CULLERTON:

For the purposes of an announcement.

PRESIDING OFFICER: (SENATOR WATSON)

Go ahead. State your announcement.

SENATOR CULLERTON:

Mr. President, Members of the Senate, there's a softball game scheduled tonight - the annual softball game between the Senate

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

and the House. That is going to be at -- held at six o'clock tonight at Lincoln Park, which is on the north side of Springfield. We're going to have a practice as soon as we get out of here and we'll need a little bit of practice. But the -- the main thing we need to do is to thank the St. Louis Regional Commerce and Growth Association, which donated these shirts. They have also helped sponsor us for many years. We have collected money from all the Senators, which will be donated to a charity. And I would -- I would have to remind you that ever since Jesse White left the House, we've been winning the softball game, and we'd like to keep our record. And also, there's a little bit of a -- of a battle of the words, anyway, going on between Senator {sic} Frisky {sic} over in the -- or, Representative Frisky {sic} over in the House, who's indicated that he thinks that the House is going to -- or, Fritchey. I'm sorry. Who's indicated he thinks -- that they're younger and we're older, and, therefore, they should win. So, we'd like to have as many of the Senators out there to support those of us who are playing, and look forward to seeing you out there at six o'clock tonight. And, hopefully, we'll once again be victorious with Carl Hawkinson as our pitcher, leading us to a shut out. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. House Bill 2180. Mr. Secretary, please read the bill.

SECRETARY HARRY:

House Bill 2180.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. House Bill 2180 deals with the Cook

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

County Indemnity Fund and Cook County adds to the eighty-dollar Indemnity Fund fee paid by tax buyers at a surcharge equal to five percent of the total taxes, interest and penalties paid under Section 21-240. The surcharge sunsets on December 31st of the year 2006. Reduces judgments to the property owner by deducting the amount of delinquent taxes owed from the award already paid by the tax purchaser. Requires that all agreements between the property owners and tax deed grantees involving proceeds from the Indemnity Fund must be in writing and are subject to discovery by the county treasurer. Addresses the problem of subsequent tax purchases where the first tax purchaser secures a sale in error, a refund of paid taxes, and in this case, the second tax purchaser would suddenly become liable for the first tax payment plus one and a half percent interest per month. Would permit the second tax purchaser to merge the earlier tax payment and interest without the huge additional penalty. Currently, there is a 23.7-million-dollar deficit in the Cook County Indemnity Fund plus the statutory interest of nine percent per year. Current revenues are less than four million per year, more than half of which is required to fund interest on judgments being paid. And because of that, homeowners who have judgments entitling them to relief from the Fund are being deprived of a remedy. This bill is supported by the Chicago Bar Association and the Cook County State's Attorney's Office.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 2180 pass. All those in favor, vote Aye. Opposed, vote No. 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 58 voting Yes, no voting No, no voting Present. House Bill 2180, having received the required constitutional majority, is declared

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

passed. House Bill 2198. Senator Rauschenberger. Please read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill -- 2198.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 2198 takes a demonstration project that we have on the legislative books that is only subject -- is only useful when we have a federal allocation of funds, and converts it into a program that DHS must implement to create a homeless prevention program. It's subject to appropriation. We run into a lot of situations where people end up in extreme -- with problems and are close to eviction or have problems maintaining their housing. This is an effort to establish a program that DHS can use to catch people just in time, rather than driving it through the shelter programs and the other programs we have. I think, in the long run, it can be a money-saver for the State. It's the right thing to do for people. This converts a currently federal program into one that we can use GRF with, and I'd appreciate favorable consideration.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Obama.

SENATOR OBAMA:

Thank you very much. I just want to stand in strong support of this bill and commend Senator Rauschenberger with working for a number of organizations throughout the State that are trying to deal with this homelessness issue. I think this is an example of where we can invest early and really solve some long-term problems, and I'd urge a favorable roll call.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

PRESIDING OFFICER: (SENATOR WATSON)

Any other discussion? Any discussion? If not, the question is, shall House Bill 2198 pass. All those in favor, vote Aye. Opposed, vote No. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 voting Yes, no voting No, no voting Present. House Bill 2198, having received the required constitutional majority, is declared passed. House Bill 2204. Senator O'Malley. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 2204.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, House Bill 2204 creates the Banking on Illinois Act which includes a series of legislative declarations about the importance of banking in Illinois and the impact of nationwide banking authorization. It is intended to help Illinois position itself in the continuing nationwide financial institution merger and consolidation initiatives that are under way. I want to get in the record as quickly as I can about this bill, so excuse me for making my remarks in the introductory part of it, but as the sponsor of House Bill 2204 and as Chairman of the Senate Financial Institutions Committee, I want to make a brief statement of legislative intent on this bill. Illinois has lost over five hundred banks in the last ten years because of mergers and consolidation in the banking industry. This bill creates the Banking on Illinois Act and amends the Banking Act to attract merging banks and new community banks to choose Illinois as their

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

headquarter state. It will preserve and increase jobs, capital investment and credit availability in Illinois. One provision has raised a question and I want to answer it. The bill adds a provision to the Banking Act which states that, quote, "account service charges and accounts {sic} (the amounts) of the" -- "of the charges not otherwise limited or prescribed by law is a business decision to be made...according to prudent business judgment and safe and sound operating standards." End of quote. This language does not authorize any new bank fees, and that is the intent of the sponsor. This provision expressly states that it will not apply whenever any Illinois law or any federal law either prohibits or limits a bank charge, either now or in the future. This provision applies only to charges that banks are otherwise permitted to charge under the law. In those cases, we are recognizing that the charge is a matter of the bank's prudent business judgment, subject always to safety and soundness standards. I believe this bill is good for our economy and for jobs, and I, therefore, would support -- urge us to support it; however, I also want you to know that I feel it's important that we monitor the success of this legislation, and that's why I drafted and introduced, along with Senator del Valle, Senate Resolution 121, which has not passed but is up for consideration. In particular, Senate Resolution 121 provides that "a regulatory climate and structure in Illinois for financial institutions must be cognizant of the need to compete nationally". "To provide Illinois with a healthy and competitive banking environment which will encourage financial institutions to locate and remain in this State, thereby creating jobs and economic growth, the General Assembly has passed innovative legislation known as the Banking on Illinois Act". However, I believe, and -- and the resolution goes on, "additional and continuing monitoring of the innovations set in place by the Banking on Illinois Act is necessary to enable the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

General Assembly to determine if corrections or adjustments to the Illinois law are prudent and advisable". Therefore, I am requesting through this resolution, upon its passage, that the Commissioner of Banks and Real Estate be directed to closely monitor the manner in which the banks of this State and of other states respond to and implement the provisions of the Banking on Illinois Act and to report annually to the General Assembly until the year 2006 the effect which the Banking on Illinois Act has had upon the economic, financial, and employment climate of the State, and then in such reports, the -- the Commissioner makes such recommendations for change or amendment to the Banking on Illinois Act as appear to the Commissioner to be wise, prudent and advisable. I'll be happy to answer any questions you might have.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. I -- I finally woke up. Like to ask the gentleman a question, if I might.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Demuzio.

SENATOR DEMUZIO:

What does the resolution have to do with this bill? I mean, I've read this bill. I have some questions about it, but if we've got that many questions about it, why are we -- why are we adopting a resolution asking the Commissioner to take another look at all this?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Demuzio, that's a fair question. I believe that this is important legislation, but I also think it's even more important that when we consider voting this, that we understand

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

that there will be followed up, by this resolution, the monitoring to ensure the accountability that we all want to see. We want to make sure that this does do something to enhance the economy in Illinois. We also want to make sure that it provides for expanding and retaining job opportunities in Illinois, and the resolution is intended as further assurances for we, in the Senate, in considering this legislation, that -- that it will, in fact, be the legislation we hope it will be.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, I don't disagree with what you've said, because I do think that there are some items that are included in this bill that do, in fact, need continued monitoring, specifically by the Commissioner of Banks. When the bank -- when the bill says that -- it declares that the bank's fee system is a business decision to be made according to prudent business judgment and safe and sound operating standards, with respect to the fee system, that gives me pause for some concern; although, it is, in fact, a free and open and competitive market, and so that gives me some -- some -- some confidence that that will not be exorbitant. It gives me pause also that says when a -- permits a bank to have the powers of any out-of-state bank subject to the state's limitations and excludes -- obviously, the exclusions of insurance sales, real estate brokerage and limited branching powers. I don't know what is the reason why we are doing this. I don't object to it, but I do believe that your resolution is one that is prudent and is one that gives some oversight and some reporting back to the General Assembly with respect to this legislation. Therefore, I rise to support it.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

SENATOR GEO-KARIS:

The sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

I read in my computer here that the Banking Act would be -- then become subject to the corporate -- the Business Corporation Act. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Where the -- where the existing law is silent, then banks could look to the Illinois Corporation Act. The one would not be subject to the other or the -- the Illinois Corporate -- Business Corporation Act would remain subject, let me put it that way, to -- to the existing Act.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Would I be correct, then, in saying that what is not covered by the Banking Act is going to be covered in the Illinois Business Corporation Act?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

That is correct. Where the -- where the Banking Act is silent, then they could look to the Illinois Business Corporation Act.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Klemm.

SENATOR KLEMM:

Yes, would the sponsor yield, please?

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

Sponsor indicates he'll yield, Senator Klemm.

SENATOR KLEMM:

Senator O'Malley, my -- my analysis says that the fees, that the bank can impose any sort of account or transaction fees that the market will bear, and I have some questions on that. It seems to me we do have some usury limits on credit, on what can be charged, and I was wondering if this, in fact, then negates that protections we have for consumers for interest and that, that the rest of the world has to live under.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Senator, currently in Illinois, usury limitations do not apply to any licensed institution, and specifically, the reason I wanted to make that statement of legislative intent was to make it clear that the authorization of fees and -- will not apply when -- whenever any Illinois law or any federal law either prohibits or limits a bank charge, now or in the future.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Klemm.

SENATOR KLEMM:

So, basically, you're saying that those laws or limitations we do will not affect this, irrespective of the language in this particular bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Well, with -- with respect to usury, that -- that is correct.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

SENATOR KLEMM:

Do we have any other limitations on -- on interest and charges

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

that the rest of the world has to follow that this would perhaps negate for banks? And certainly I'm supportive of the free enterprise system; I'm just cautious that we don't impose certain limitations for consumer protection and yet, then, we negate it in changing this banking write-up.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

It is specifically my intent as the sponsor, and I believe the language of the bill supports this, that -- that if any such bank charge, fee, whatever we may call it, is prohibited by either Illinois law or any federal law, that this legislation would not expand or -- or -- or limit the application of that federal or State law here in Illinois.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Obama.

SENATOR OBAMA:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Obama.

SENATOR OBAMA:

Yeah. The -- my understanding of this bill, one of the central provisions, at least, is -- is to create a wild card, what -- what the bankers apparently call a wild card provision that allows them to do just about anything that banks in other states would do -- could do, without any kind of legislative approval. Is -- is that an accurate description of -- of at least that provision?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

I -- I think it's -- I think the intent of your statement is correct, if I could try and clarify it a little bit. What the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

intent of the legislation is, is to make Illinois -- or put Illinois at the forefront of attracting financial institutions to Illinois and thereby, obviously, enhance our economy and create jobs and all the other benefits associated with economic development. I hope that clarifies it, but, generally, I agree with your statement.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Obama.

SENATOR OBAMA:

So -- so the argument would be essentially that Illinois would become to banks what Delaware is to corporations, let's say. And that we would have, essentially, very little regulation of banks, and as a consequence, bank headquarters would be interested in locating here and so forth. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Obama, I -- I hope that somehow through this legislation and other initiatives that we may propose, which I would like to work with you on, that, indeed, we do become the -- the -- the Delaware for -- for banks to organize and locate. It would certainly be wonderful for northeastern Illinois, and I'm sure the rest of Illinois would be a major beneficiary of that as well.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Obama.

SENATOR OBAMA:

I guess my concern -- and this is along the lines that Senator Klemm asked. You know, I think all of us would like to see major banks headquartered, particularly in this era of mergers and acquisitions. At the same time, though, I think we're concerned that we are giving up the possibility of legislative oversight or

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

regulation of these very same institutions. And what I'm curious about, and I wasn't clear in terms of your response to Senator Klemm, what areas that are currently regulated by the Legislature or require legislative approval would no longer require such approval or would no longer be subject to regulation as a consequence of this bill? Do we have a specific analysis of the kinds of things that we're freeing up?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Obama, I'm -- I'm thoughtful of your question and I -- and I think -- no, first of all, there is not such a list. I think what this makes possible more than anything else is for Illinois, through the regulatory process, to bring these banks here to Illinois. And they -- and they -- they do it through both, frankly, a State and federal filtering process, because they just can't come into Illinois without complying with the -- the federal requirements and they can't do it without coming through our regulatory bodies. But this gives our regulatory bodies, at least at the State level, the ability to perhaps take action that we otherwise wouldn't be able to. Now, that's why I'm especially interested in the resolution and that's why I spent some time on it. Now, they didn't do this in the House. Not that we're -- or that they are less thoughtful than we are, but as this has wound it's way through the General Assembly, I believe that the -- the goals and aspirations of the legislation are very well intended, and it is my hope that, through the resolution, we will not only have a report back to us from the Commissioner, but we are bringing to the Commissioner's attention, as the Senate, that we want this monitoring to take place on a regular basis, to make sure that there's some accountability back to us that the original intentions of the legislation become a reality.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Obama.

SENATOR OBAMA:

The -- and I appreciate the resolution. That -- that sounds like a good thing. I -- I guess, this sounds like it's potentially, fairly, substantial legislation. Because my understanding is -- I'm sorry, Mr. President, I can't hear anything. My understanding is, is that as a consequence of this legislation, if Rhode Island passes legislation that allows banks to do X - thank you, Senator Jacobs - then automatically Illinois allows them to do X. And then if Texas allows the bank to do Y, then automatically Illinois is doing Y. So that over time, at least, any deregulation of banks that takes place across the country is automatically permitted in Illinois, unless we, in the Legislature, affirmatively prohibit it. That -- that's my understanding, and I guess what I'm trying to figure out is: What are those things that are currently prohibited that the banks are anxious to make sure that we are no longer regulating? If the banks can already provide these services or charge these fees, then presumably we don't need the law. The reason, I'm assuming, that they are lobbying for these provisions is because currently we're regulating them in some fashion or they're subject to legislative oversight. And -- and I -- my -- my sense is that, before we vote on this bill, we should have a sense of what exactly this Body, this Chamber, is giving up in terms of its regulatory powers. And -- and I have not heard yet a clear understanding of what exactly those powers are. What legislative regulations and powers do we have that we're potentially sacrificing as a consequence of this bill?

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? I'm sorry. That was a question. Senator O'Malley.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

SENATOR O'MALLEY:

Senator Obama, first of all, there continues to be regulation. There continues to be regulation through the Commissioner's office. Secondly, the Commissioner has an obligation to protect the -- safety and soundness of -- of the institutions that may come into the State. Senator, I have not created a list, nor has a list been represented to me, nor, I think, to anybody else in the Senate, of what the -- the list of possibilities could be. However, it is clear that this will put us at the cutting edge of trying to encourage the development of banking way beyond what we've had in Illinois. But we are giving some latitude to the Commissioner, I think, through this process, to protect our interests. Again, I don't want to dwell a lot on the resolution, but the resolution's very important, because it gives me a level of comfort. I'm -- I'm as interested and concerned about the content of this legislation as any Member of this Senate is. I want to make sure that the intent of the legislation is carried out, that the monitoring that is necessary to protect the safety -- safety and soundness of those institutions that may come to us is what we expect it to be. And I also know this, that should the Commissioner take some precipitous action, when we come back into Session, along with the Governor, we have the power to change what we're doing here.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Obama.

SENATOR OBAMA:

Well, let me just make a -- a closing statement. The -- I appreciate the sponsor's intent on this bill, and I do think that we -- we're in a competitive environment in terms of banking and we need to try to keep corporate headquarters here if we, at all, possibly can. Although, I will say that I have not gotten a sense that the reason that we're losing bank headquarters, for example,

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

is because of our State charter laws. My sense is, it's because of the powers of the market and -- and the banks that are coming in are based in other states. But, even assuming that that's true, I guess, my preference would be, in terms of our lawmaking process, is that if there are particular regulations or laws that are inhibiting banks from locating in Illinois, it is within our power to examine those rules, have them go through your committee, consider changes in those laws to brush away those -- those barriers for banks. But for us to give a carte blanche and essentially rely on the Commissioner for oversight without us having any oversight strikes me as -- as -- as not the way to go, particularly because -- I don't know about the rest of these Senators, but I don't have regular communications with the bank examiners -- Commissioner. He's not contacting me on a regular basis, telling me what regulations he's decided to enforce or not enforce. I think that rather than having this sort of wild card process that sweeps in every deregulation throughout the country, that we'd be better served doing it one -- one piece of legislation at a time. As a consequence, I will probably vote No on this bill.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR O'MALLEY:

Well -- well, thank you, Mr. President. And thank you all for the series of questions and -- and the opportunity to have a full and open discussion about this legislation. There is no question that this potentially puts Illinois at the forefront of promoting economic development by attracting banking businesses here to Illinois. I think we need to do everything we can in Illinois to be striving to be the first. This is an effort to do that. I would encourage your support for it. And I was especially

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

42nd Legislative Day

May 11, 1999

concerned, as I think we all are, to make sure that the Commissioner is keeping a very close eye on this legislation and working with us to make sure that it accomplishes its original intent. I would appreciate your support.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall House Bill 2204 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 voting Yes, 2 voting No, 5 voting Present. House Bill 2204, having received the required constitutional majority, is declared passed. Unbelievable. Is there any further business to come before the Senate? Is there any further business to come before the Senate? If not, Senator Burzynski -- Senator Burzynski moves the Senate stands adjourned until the hour of 10 a.m., Wednesday, May 12th. See you at the ball game. Players get out right -- there right away. Game starts at six.

DAILY TRANSCRIPTION OF DEBATE INDEX

MAY 11, 1999

HB-0137	SECOND READING	PAGE	7
HB-0371	SECOND READING	PAGE	8
HB-0452	SECOND READING	PAGE	8
HB-0583	SECOND READING	PAGE	9
HB-0841	THIRD READING	PAGE	14
HB-0842	THIRD READING	PAGE	15
HB-0843	THIRD READING	PAGE	16
HB-0854	THIRD READING	PAGE	17
HB-0860	THIRD READING	PAGE	17
HB-0873	THIRD READING	PAGE	18
HB-0895	THIRD READING	PAGE	19
HB-0901	THIRD READING	PAGE	22
HB-0916	THIRD READING	PAGE	23
HB-0928	THIRD READING	PAGE	24
HB-0941	THIRD READING	PAGE	25
HB-0943	THIRD READING	PAGE	26
HB-1061	THIRD READING	PAGE	26
HB-1061	MOTION FILED	PAGE	37
HB-1097	THIRD READING	PAGE	34
HB-1099	THIRD READING	PAGE	34
HB-1100	THIRD READING	PAGE	35
HB-1117	SECOND READING	PAGE	9
HB-1137	THIRD READING	PAGE	38
HB-1146	THIRD READING	PAGE	40
HB-1151	THIRD READING	PAGE	41
HB-1164	THIRD READING	PAGE	42
HB-1164	OTHER	PAGE	45
HB-1165	THIRD READING	PAGE	44
HB-1193	THIRD READING	PAGE	45
HB-1195	THIRD READING	PAGE	46
HB-1261	RECALLED	PAGE	47
HB-1276	FIRST READING	PAGE	37
HB-1282	THIRD READING	PAGE	49
HB-1286	SECOND READING	PAGE	9
HB-1305	THIRD READING	PAGE	51
HB-1321	THIRD READING	PAGE	53
HB-1327	THIRD READING	PAGE	55
HB-1333	THIRD READING	PAGE	56
HB-1334	THIRD READING	PAGE	57
HB-1362	THIRD READING	PAGE	57
HB-1366	THIRD READING	PAGE	58
HB-1370	THIRD READING	PAGE	59
HB-1388	THIRD READING	PAGE	60
HB-1399	THIRD READING	PAGE	61
HB-1408	THIRD READING	PAGE	62
HB-1510	THIRD READING	PAGE	66
HB-1657	THIRD READING	PAGE	67
HB-1700	SECOND READING	PAGE	10
HB-1722	THIRD READING	PAGE	68
HB-1723	SECOND READING	PAGE	10
HB-1728	THIRD READING	PAGE	71
HB-1813	THIRD READING	PAGE	73
HB-1817	THIRD READING	PAGE	75
HB-1837	THIRD READING	PAGE	75
HB-1845	THIRD READING	PAGE	76
HB-1869	SECOND READING	PAGE	11
HB-1893	THIRD READING	PAGE	79
HB-1896	THIRD READING	PAGE	80
HB-1905	THIRD READING	PAGE	81
HB-1968	THIRD READING	PAGE	82
HB-1972	THIRD READING	PAGE	82
HB-1987	THIRD READING	PAGE	84
HB-2037	THIRD READING	PAGE	86
HB-2081	SECOND READING	PAGE	11

MAY 11, 1999

HB-2085 THIRD READING	PAGE	89
HB-2096 THIRD READING	PAGE	90
HB-2098 THIRD READING	PAGE	91
HB-2104 THIRD READING	PAGE	92
HB-2147 SECOND READING	PAGE	11
HB-2176 THIRD READING	PAGE	94
HB-2180 THIRD READING	PAGE	101
HB-2198 THIRD READING	PAGE	103
HB-2204 THIRD READING	PAGE	104
HB-2255 SECOND READING	PAGE	12
HB-2492 SECOND READING	PAGE	12
HB-2648 SECOND READING	PAGE	12
HB-2790 SECOND READING	PAGE	13
HB-2845 SECOND READING	PAGE	13
SR-0125 RESOLUTION OFFERED	PAGE	2
SR-0126 RESOLUTION OFFERED	PAGE	2

SUBJECT MATTER

SENATE TO ORDER - PRESIDENT PHILIP	PAGE	1
PRAYER - REVEREND GORDON MCLEAN	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
JOURNALS - APPROVED/POSTPONED	PAGE	1
MESSAGE FROM THE PRESIDENT	PAGE	2
MESSAGES FROM THE HOUSE	PAGE	2
SENATE STANDS IN RECESS/SENATE RECONVENES	PAGE	37
ADJOURNMENT	PAGE	116