

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

27th Legislative Day

March 15, 1995

PRESIDENT PHILIP:

The regular Session of the 88th General Assembly will please come to order. 89th - excuse me. Will the Members please be at their desks, and will our guests in the galleries please rise. Our prayer today will be given by Pastor S. M. Davis, Park Meadows Baptist Church, Lincoln, Illinois. Pastor Davis.

PASTOR S. M. DAVIS:

(Prayer given by Pastor S. M. Davis)

PRESIDENT PHILIP:

Will you please rise for the Pledge of Allegiance, given by Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal.

SECRETARY HARRY:

Senate Journals of Tuesday, March 7th; Wednesday, March 8th; and Thursday, March 9th, 1995.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

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

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journal of Tuesday, March 14th, in the year 1995, be postponed, pending arrival of the printed Journal.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

Senator Rauschenberger, Chair of the Committee on Appropriations, reports Senate Bills 481 and 923 Do Pass, as Amended.

Senator Fawell, Chair of the Committee on Transportation, reports Senate Bills 509, 539, 733, 760 and 1078 Do Pass; Senate Bills 64, 161, 624, 728, 817 and 1202 Do Pass, as Amended; and Senate Amendment 2 to Senate Bill 122 Be Adopted.

Senator Cronin, Chair of the Committee on Education, reports Senate Bills 416, 782, 783, 814, 941, 942, 1005, 1006 and 1035 Do Pass; and House Bill 206 Do Pass; and Senate Amendment 1 to Senate Bill 227 Be Approved for Consideration.

PRESIDING OFFICER: (SENATOR WATSON)

Previously there was an announcement that we would not go into Session until 12:30. Obviously, that was in error. The Judiciary Committee got over earlier than we had thought. So we'd like to have all the Members come to the Floor, and we will probably be going to 2nd Readings. Mr. Secretary, House Bills 1st Reading.

SECRETARY HARRY:

House Bill 119, offered by Senator Geo-Karis.

(Secretary reads title of bill)

House Bill 587, by Senator Dillard.

(Secretary reads title of bill)

And House Bill 598, by Senator Watson.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR WATSON)

We will begin on page 2. Senate Bills 2nd Reading. Senator Klemm, on Senate Bill 62. Out of the record. We're on page 2.

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2nd Reading, Senate Bills. Senate Bill 74. Senator Lauzen. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 74.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Commerce and Industry adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR WATSON)

Have there been any Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 76. Senator Peterson. Senator Peterson on the Floor? Out of the record. Senate Bill 83. Senator Sieben. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 83.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 93. Senator Rauschenberger. Senator Rauschenberger? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 93.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Higher Education adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR WATSON)

Were there any Floor amendments that have been approved for consideration?

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ACTING SECRETARY HAWKER:

No amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 100. Senator Raica. Out of the record. Senate Bill 112. Senator Woodyard. Senator Woodyard, for what purpose do you rise?

SENATOR WOODYARD:

Yes. Thank you, Mr. President. A question. This bill just was amended in committee this morning, but I don't know whether the paperwork would have gotten here to be able to move it on to 3rd now, or -- okay.

PRESIDING OFFICER: (SENATOR WATSON)

We understand that paperwork has not arrived. So you will take the bill out of the record. Senate Bill 122. Senator Klemm. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 122.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Transportation adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR WATSON)

Have there been any Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Klemm.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm, to explain your amendment, please.

SENATOR KLEMM:

Thank you, Mr. President. Amendment No. 1 took care of the City of Chicago's concerns, and we adopted that. And Amendment No. 2 takes care of the concerns of downstate municipalities in regard to traffic ticket violations, and I do ask for its

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adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, Senator Klemm moves for the adoption of Amendment No. 2 to Senate Bill 122. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. 3rd Reading. Senate Bill 133. Senator Peterson. Out of the record. Same for 134. Out of the record. Senator Klemm. 167, Senate Bill. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 167.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 192. Out of the record. Senator Hasara takes it out of the record. With leave of the Body, we'd like to go back to Senate Bill 207. Leave is granted. Senate Bill 210. Senator Burzynski. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill -- pardon me. Senate Bill 210.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 267. Senator DeAngelis, that has a fiscal note request. Senate Bill -- that has been answered. Senator DeAngelis, there is a fiscal note that has been filed. Would you like to proceed with the bill? You may call the bill. It has been answered. He would like to call the bill. Senate Bill 267. Madam Secretary, please read the bill.

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ACTING SECRETARY HAWKER:

Senate Bill 267.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR WATSON)

Have there been any Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 269. Senator Geo-Karis. Madam Secretary, would you please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 269.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Higher Education adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR WATSON)

Have there been any Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Walsh. Out of the record. 293. Out of the record. Senator Pate Philip. Please read the bill, Madam Secretary. Senate Bill 298.

ACTING SECRETARY HAWKER:

Senate Bill 298.

(Secretary reads title of bill)

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

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PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. With leave of the Body, we'd like to have permission to go back to Senate Bill 299. Leave is granted. Senate Bill 300. Senator Woodyard. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 300.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 313. Senator Butler. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 313.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Commerce and Industry adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR WATSON)

Have there been any Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 327. Senator Dunn. Ralph Dunn. Out of the record. I beg your pardon. Senator Dunn wishes Senate Bill 327 to be read. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 327.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Environment and Energy adopted Committee Amendment No. 1.

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PRESIDING OFFICER: (SENATOR WATSON)

Have there been any Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 350. Senator Klemm. Please read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 350.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Transportation adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR WATSON)

Have there been any Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 354. Senator Barkhausen. Senator Barkhausen on the Floor? Out of the record. Senate Bill 355. Senator Barkhausen. Out of the record. Senate Bill 392. Senator Woodyard. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 392.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Agriculture and Conservation adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR WATSON)

Have there been any Floor amendments that have been approved for consideration?

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No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 424. Senator Philip. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 424.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 442. Senator Woodyard. Out of the record. Senate Bill 444. Senator Peterson. Out of the record. Senate Bill 449. Senator Woodyard. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 449.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Agriculture and Conservation adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR WATSON)

Have there been any Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator -- Senator Hawkinson, on Senate Bill 451. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 451.

(Secretary reads title of bill)

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

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PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Peterson, on Senate Bill 472. Out of the record. Moving right along. Page 4. Senate Bill 573. Senator Maitland. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 573.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 598. Senator Maitland. Please read the -- the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 598.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Environment and Energy adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR WATSON)

Have there been any Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 682. Senator Maitland. Please read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 682.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 739. Senator Butler. Senator

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Butler on the Floor? Out of the record. Senate Bill 769.
Senator Petka. Senator Petka. Out of the record. Senate Bill
779. Senator Palmer. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 779.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 851. Senator Klemm. Senator Klemm,
on 851? 3rd Reading. I beg your pardon. Madam Secretary, please
read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 851.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.
I'd ask leave to table Senate Resolution 27.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip moves that Senate Resolution 27 be tabled. All
those in favor, say Aye. Opposed, Nay. The Ayes have it, and
Senate Resolution 27 is tabled. Senator Hasara, for what reason
do you rise?

SENATOR HASARA:

On a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Please state your point.

SENATOR HASARA:

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There are some constituents of mine, members of the Springfield Women's Club, who are here in the Capitol today observing, and I'd like to have the Senate recognize them.

PRESIDING OFFICER: (SENATOR WATSON)

Would our friends in the gallery please rise and be recognized by the Senate. Welcome -- welcome to Springfield. Welcome to the Capitol and the Senate. It's the intention of the Chair to go to page 7. House Bills 3rd Reading. We have House Bill 204. Senator Hawkinson. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 204.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. House Bill 204 is identical to Senate Bill 4, which we passed several weeks ago, which was the crime package. I will briefly reiterate the provisions in there. Be happy to answer any questions, but we did pass that bill unanimously out of the Senate. It extends the -- the unlimited Statute of Limitation for -- for prosecution of concealment of a homicidal death and aggravated arson. It adds to the offense of compelling membership in a gang to make sure that you cannot force -- or, use force against someone to force them to stay in a gang. It exempts from the disciplinary provisions of the Medical Practice Act a physician who participates in an execution as required by Illinois law. It adds gunrunning to the jurisdiction of the Statewide Grand Jury. Requires notification of a victim of a monetary settlement of a civil rights action against the Department of Corrections. Revises the mandatory restraining order against a juvenile alleged delinquent in light of current

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case law. Requires out-of-state sex offenders and sexually dangerous persons who take up residence in Illinois under an interstate compact to comply with our Illinois Sex Offender Registration Act and DNA testing law. It expands the child sex offender registration law, and closes a loophole in the indecent solicitation of a child offense to cover arranging a sex act with a child through a third party. I would ask for your favorable support for House Bill 204.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing no discussion, those in favor -- the question is, shall House Bill 204 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, no voting No, no voting Present. House Bill 204, having received the required constitutional majority, is declared passed. ...(microphone cutoff)...intention of Chair, just for the notification of the Members, we're going to go to page 4 and begin on Senate Bills 3rd Reading. And the first one out will be Senate Bill 21. Senator Butler. Senator Woodyard, do you wish to return Senate Bill 43 to 2nd Reading for the purpose of amendment? Senator Woodyard responds yes. And Senator Woodyard seeks leave of the Body to return Senate Bill 43 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 43. Madam Secretary, are there Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Woodyard.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Woodyard, to explain your amendment, please.

SENATOR WOODYARD:

Yes. Thank you, Mr. President, Members of the Senate. The

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underlying bill deals with administrative proceedings with -- dealing with honey bees and the Honey Bee Association and what we're attempting to do in keeping disease and -- and microbes that attack them out of the State. I -- I read an article in the newspaper, not too long ago, in which the Auditor General's Office made a comment that one of the statutes that still exist on the books deals with honey bees, and it seems that thirty years ago there was a law that was passed to create a honey bee commission. That commission never had an appointment to it. It has never met in thirty years and it seemed to me it's time to get rid of it. That's what the amendment to this bill does, is do away with the honey bee commission. And that is supported by Department of Agriculture and the Honey Bee Association.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Maitland, on Senate Bill 50. Out of the record. Senate Bill 78. Senator Rauschenberger? Out of the record. Senator Raica, on Senate Bill 80. Out of the record. Senate Bill 86. Senator Fawell? Senator Fawell, do you wish your bill to be called? Out of the record. Senate Bill 92. Senator Lauzen? Senator Lauzen, on Senate Bill 92. Senator DeAngelis, on Senate Bill 107? Out of the record. Senator Maitland, on Senate Bill 108? Out of the record. Senator -- Senator Dillard, on Senate Bill 124? Out of the record. Senator Woodyard. Senate Bill 141. Out of the record. Senate Bill 176. Senator Cullerton? Senator Cullerton on the Floor? Out of the record. Senate Bill 177. Senator Welch. Senator Welch, on Senate Bill --

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out of the record. Senator Rauschenberger, on Senate Bill 182. Out of the record. Senate Bill 203. Senator Trotter. Out of the record. Senator Sieben, on Senate Bill 215. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 215.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President and Members of the Senate. Senate Bill 215 comes from an issue in my district where a constituent had a tax appeal with the Department of Revenue, and unbeknownst to them, that there was a -- once they appealed that case with Department of Revenue, they had only a twenty-day time period in which to post the bond, and because they were not aware of this, they missed the posting date. And they suggested language that would give them an additional thirty days. The language here has been worked out with the Department of Revenue and the Attorney General's Office. There was no opposition to the legislation in Committee, and I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 215 pass. Those in favor will 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 55 voting Yes, no voting No, no voting Present. Senate Bill 215, having received the required constitutional majority, is declared passed. Senator Hasara, on Senate Bill 226. Madam Secretary, please read the bill.

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ACTING SECRETARY HAWKER:

Senate Bill 226.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR SIEBEN:

Thank you, Mr. President. This bill does just what the Act says. It repeals the Capitol City Railroad Relocation Authority Act. The Authority has just about completed its business. So, as amended, the Authority would no longer be operable after all the appropriate transfers have been made no later than January 1 of '97. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 226 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 55 voting Yes, no voting No, no voting Present. Senate Bill 226, having received the required constitutional majority, is declared passed. Senator Tom Dunn, do you wish this bill to be returned to 2nd Reading for the purpose of an amendment? Senator Dunn -- Tom Dunn seeks leave of the Body to return Senate Bill 227 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 227. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, filed by Senator Thomas Dunn.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dunn.

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SENATOR T. DUNN:

Thank you, Mr. President. This amendment represents a commitment I made to the committee. This bill passed out of the committee and deals with the reimbursement of orphanages and dependent children that are within our systems. And I made a commitment to the committee that the funds for this would be designated out of General Revenue funds, so it wouldn't take away from any other school funding. That's the amendment.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Geo-Karis, for what purpose do you rise ma'am?

SENATOR GEO-KARIS:

Mr. President, a point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

Please state your point.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, today marks the seventy-sixth birthday of one of our fine doormen, Virgil Cutright. And it's his birthday today. We all would like to wish him a very happy birthday, and many more. He is not getting any older, he's simply maturing. But we want to wish Virgil a very, very healthy and happy birthday.

PRESIDING OFFICER: (SENATOR WATSON)

Virgil, happy birthday. Senate Bill 232. Senator Mahar. Madam Secretary, please read the bill.

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ACTING SECRETARY HAWKER:

Senate Bill 232.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President, Members. This bill authorizes the Illinois Commerce Commission, upon petition for public utility and after a hearing, to implement experimental programs consisting of alternatives to rate of return regulation or other regulatory mechanisms based on performance. This is an incremental first step towards competition in the electric utility industry. It's primarily an agreed-to bill. There was no opposition in committee. I would ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, my Chairman. As you stated that this is just a first step in the negotiating process for this kind of action. Is that -- did I hear correctly?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Mahar yields to the question.

SENATOR MAHAR:

Well, this -- my statement, Senator Trotter, was this is a first step in -- in the long-term outlook for providing competition in the electric utility industry.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

Okay. So there will be other negotiations. Negotiations going on as we go, and other people going to be sitting at the

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table, such as CUB and other consumer groups that would be sitting there trying to work out and formulate something really concrete?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Mahar.

SENATOR MAHAR:

I met with CUB today. They're -- they say that there are points that they think can agree to with the Commerce Commission on this, and they didn't express a problem in advancing this to the House, where -- where these negotiations shall continue.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

But more specifically, as the negotiations continue, they will continue to be an intricate part in trying to formulate some kind of law?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Mahar.

SENATOR MAHAR:

Yes.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Welch.

SENATOR WELCH:

Yes. I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

The sponsor will yield, Senator Welch.

SENATOR WELCH:

Senator Mahar, the idea behind this is to have utilities compete with one another. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Mahar.

SENATOR MAHAR:

This -- this is a -- this is not retail wheeling. This is a

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voluntary program, which a utility may appeal to the -- the Commerce Commission for alternative rates. But this is not wheeling, as you and I would know it, but it is a voluntary program only.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

Senator Mahar, a couple of years ago, I had a bill that would encourage competition and allow the utilities to petition the ICC for lower rates based on the idea that they would encourage consumers to save energy. They could petition the ICC for a higher profit, but actually raise rates, because there would be less electricity or energy used. Would you support a proposal that would encourage these utilities to -- to try to become competitive by encouraging more energy-saving use by consumers within this bill?

PRESIDING OFFICER: (SENATOR WATSON)

Could we give the gentlemen some order? Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. This is a five-year pilot program, and specifically it doesn't address the structuring of a utility, doesn't address how much energy savings there should be by the consumers or the producers, but merely it is a first step which allows -- which the Commerce Commission hasn't allowed in the past due to a court ruling, as you know Senator Welch, so that they can begin moving toward what eventually will be full-scale competition, not only throughout Illinois, but it's something that is going to happen throughout this country.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

Well, how -- how exactly would the utilities compete if

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they're not going to compete by price? Are they going to be able to overlap into each other's area, or will they be able to pick certain areas where they can offer lower rates? How would the -- how would they compete with one another?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Mahar.

SENATOR MAHAR:

The base of this is to establish empirical data about -- there is no competition between the utilities. This is voluntary appeal by a -- maybe possibly an industry within a service territory that now exists. The utilities may not go into other utility service -- service territory. This is a -- a beginning that will allow the Commerce Commission to take steps to allow separate pricing in certain markets within their base.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

I fail to see how this is going to do anything to lower rates, Senator. Because if there is no competition by overlapping districts, what is the incentive to lower rates? Currently, the Illinois Commerce Commission sets a rate of return for each utility, and under -- under this bill, it changes the method by which utilities could authorize profits. The -- the Commerce Commission could improve its profit margin by performance. Is it by just being more efficient in getting -- getting electricity to a consumer without having a blackout? Is -- is that what it is? It's not saying that we're going to sell it cheaper than your neighbor?

PRESIDING OFFICER: (SENATOR WATSON)

Excuse me, Senator Welch, but once more we'd like to ask for order. We are on 3rd Reading, and we are in the middle of a debate, and we would like to have the attention of the Body to the

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question and response. Senator Mahar.

SENATOR MAHAR:

Well, thank you -- thank you, Mr. President. I'm not really sure I heard or understood the question. But I understand and in fact, I was a cosponsor of your bill, as I recall, several years ago in which you -- that also was a pilot program, which would establish cross-boundary competition. This is not -- this is a -- a step that is far less, far more incremental. There are discussions going on in and outside of this Statehouse that will do -- that may offer, even this Session, legislative -- a program which goes far beyond what this does. All we're doing here is allowing the Commerce Commission to authorize a separate rate for a utility and a user who come to them, and which they have not been able to do in the past. And it's a small step, and you're absolutely correct in that, but it was hard enough just getting this step forward.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

One final question, Senator. Since the utility companies apparently are changing their philosophy about competition, do you think it's appropriate to initiate a rewrite of the Public Utility Act at this time? And would you support a measure to do that?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Mahar.

SENATOR MAHAR:

Senator Welch, there is negotiations going on right now between the electric generators in the State of Illinois, as well as some of the major electric consumers in the State of Illinois, such that we may have before us -- and I can't give you a time frame -- but we may have before us a rewrite of this Section of the statute so that we can be in a position four or five years from

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now that we cannot only compete amongst the utilities in Illinois, but with other generators and cogenerators in the midwest. But it's not something that's going to happen today, or probably this month, but it's going to happen in the near term versus the short-term -- or, long-term, I would suggest.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? Seeing none, Senator Mahar, to close. Senator Mahar closes, and the question is, shall Senate Bill 232 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, no voting No, no voting Present. Senate Bill 232, having received the required constitutional majority, is declared passed. Senator Rea, on Senate Bill 249. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 249.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rea.

SENATOR REA:

Thank you, Mr. President, Members of the Senate. Senate Bill 249 amends the Owner Occupant Property Tax Relief by expanding to all of the counties in Illinois. The original legislation was aimed at urban areas that had seen large growth in property values, and this growth had put many longtime residents in danger of losing their homes because they could not afford their taxes. There are areas all over this State where individuals who have lived in their homes for many years are also in danger of losing their homes for the same reason. I have some of this within my district. This bill is completely permissive in allowing the

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counties to designate areas eligible for relief and to grant deferrals or exemptions in a uniform manner. I know of no opposition. It came out of committee with the attendance roll call, and would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 249 pass. Those in favor will 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 55 voting Yes, no voting No, 1 voting Present. Senate Bill 249, having received the required constitutional majority, is declared passed. Senate Bill 253. Senator Maitland. Senator Maitland, on 253. Out of the record. Senator Cullerton, on Senate Bill 271. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 271.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill passed out of committee unanimously, and it is supported by the Department of Corrections. After having been amended, it would say that at least once a year the Department shall inspect each county juvenile detention and shelter care facility for compliance with the standards established and they shall make the results of the inspections available for public inspection. The Department of Corrections used to inspect county jails, municipal jails. We made that permissive a number of years back, I think in 1991. But right now they -- the Department has made -- has been

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made available some funds -- federal funds, to allow them to inspect juvenile facilities. So we amended the bill to limit it to that, and the Department, therefore, is in support of the bill and is also supported by the Bar Association. So I would be happy to answer any questions, and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 271 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, no voting No, no voting Present. Senate Bill 271, having received the required constitutional majority, is declared passed. Senator Karpziel, on Senate Bill 275. Senator Karpziel? Out of the record. Senate Bill 301. Senator Hasara? Out of the record. Senate Bill 345. Senator Fawell? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 345.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is a bill for the -- for DuPage County only, and it will allow the road commissioners to all share in the Road Fund that is supplied by the State just the amount that goes in DuPage County at present, if the road commissioners have an amount equal to or greater than twelve thousand dollars per mile, or they have the eight-cent levy. Either one. I will be glad to answer any questions, and I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Palmer.

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SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WATSON)

The sponsor will yield, Senator Palmer.

SENATOR PALMER:

Senator Fawell, could you be more specific about this bill? As I recall in committee, we raised questions about the bill, because it seems to apply only to DuPage County, and at the same time it seems to give them a favorable position, perhaps, over other counties. Am I incorrect in that?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell.

SENATOR FAWELL:

You are incorrect. Each county is allotted X number of dollars depending on the population and how many miles of road they have -- township roads they have. That money goes to that county. It's a matter of how you divide it. In DuPage County the road commissioners have agreed that it would be fair if everybody got their allotted share by how many miles of road they -- they presently maintain.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Palmer.

SENATOR PALMER:

Thank you. But it's my understanding that even within DuPage County this takes away from road districts that are taxing appropriately and gives it to others that are not. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell.

SENATOR FAWELL:

All nine township road commissioners - we have nine townships in DuPage County - all nine of them have agreed that this is the

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way they want it done. It does not take away from any other county or any other townships, except for the townships that are within DuPage County. It -- and then it's only if they make the effort of taxing at least twelve thousand dollars per mile, which is, frankly, a great deal more than ninety-nine percent of the townships in -- in -- in the State of Illinois presently have.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Palmer.

SENATOR PALMER:

Yes. Just one last question. Are you saying that the township districts in this area have agreed to give up money?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell.

SENATOR FAWELL:

The townships that are receiving more than their fair share have agreed, within the DuPage County limits, to give up a small portion of their share. Yes. But only on the condition that the other townships are -- are at least spending twelve thousand dollars per mile.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Palmer.

SENATOR PALMER:

Just one last question. And have they actually agreed to those terms, or is that pending?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell.

SENATOR FAWELL:

I have a written letter in my office. They have agreed and it is sent to me by an attorney firm.

PRESIDING OFFICER: (SENATOR WATSON)

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

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SENATOR FAWELL:

This is just for DuPage County. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 345 pass. All those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 voting Yes, 4 voting No, 1 voting Present. Senate Bill 345, having received the required constitutional majority, is declared passed. Senator Fawell, on Senate Bill 362. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 362.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This was brought to me by the Citizens' Council on Mental Health and Developmentally Disabled <sic>. It concerns a -- a permissive program that the Department of Mental Health and Developmentally Disabled Department can enter into. It is a program they'd call CHOICE. It will allow those who are disabled to -- to pick up a -- what kind of work that they would like to be trained for. This was originally started a few years ago when it came up at a committee hearing and the -- it's the Illinois Facilities Agency, which is a federal-funded agency, came in and said that -- that this should be done. We feel that if she -- that Mrs. -- if Mrs. Leininger feels this should be done and the Department agrees with her, we should allow them the ability to do this so that the federal funds may be used properly. I'd be

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glad to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I merely want to add to what Senator Fawell has said. That this piece of legislation is going to help disabled people to become involved in the job market, and they will also become self-sufficient. I encourage the vote. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Seeing none, the question is, shall Senate Bill 362 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 55 voting Yes, no voting No, no voting Present. Senate Bill 362, having received the required constitutional majority, is declared passed. Senator Syverson, on Senate Bill 363. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 363.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. This was the bill we had yesterday that we held because there was a question asked which allows a sale by auction of vehicles for which junk or a salvage certificate has been issued. There was also a question asked, will the -- will it be stamped that it is a salvaged vehicle? Senator Welch had that question. And the answer is, yes, it is. I don't know of any objection to it. It passed unanimously out of

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committee. I just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Bowles.

SENATOR BOWLES:

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

PRESIDING OFFICER: (SENATOR WATSON)

The sponsor -- the sponsor indicates he will yield, Senator Bowles.

SENATOR BOWLES:

Senator Syverson, by what authority or how is this notification going to be made to the purchasers? I have consumer concern about this bill. That's the reason I'm asking.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Syverson.

SENATOR SYVERSON:

What we're asking for here is the -- is actually what has been happening all along. So we're not really changing the law. This has been the practice -- the practice all along. The Secretary of State's Office felt that there was a -- it was questionable whether what they were doing was totally proper, and that's one of the reasons why they just put in this corrective language. So it doesn't change anything they're currently doing. It allows them to continue their current practice of -- of selling salvage vehicles, and the potential buyer will certainly know because of the -- the title is -- is clearly marked that it is salvage.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Bowles.

SENATOR BOWLES:

The problem I have is that the -- they would get a title which would be stamped, but how would they know that this is a rebuilt salvaged car before they complete the purchase? That's the

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question I have in my mind.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Syverson.

SENATOR SYVERSON:

Okay. Again, I'm not sure exactly how, except for most of these vehicles are -- are -- are sold at an auction and hopefully those who are purchasing it would either ask that question and would verify that at the time of purchase when they received that title, and if there was misgivings, I'm sure that -- I don't know. Again, I don't know how often that's been a problem.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Welch. I beg your pardon, Senator Welch. I think Senator Bowles had another question. Excuse me.

SENATOR BOWLES:

Senator Syverson, I just wanted to inquire whether there was going to be a follow-up bill. Now, I -- I thought I understood that Senate Bill 1202 was going to correct this situation, or is that misinformation?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Syverson.

SENATOR SYVERSON:

I'm not familiar with that bill if there is some other -- clean-up language regarding this one?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Bowles.

SENATOR BOWLES:

To mandate so that the purchaser would know in advance that it was a salvaged automobile.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Syverson.

SENATOR SYVERSON:

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That's certainly something I would strongly support. So that's fine, if that's helping to clarify that concern. That would be fine.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR SYVERSON:

Just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 363 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, 2 voting No, 1 voting Present. Senate Bill 363, having received the required constitutional majority, is declared passed. On page 6. Senator Petka. Out of the record. Senate Bill 370. Senator Woodyard. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 370.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. Senate Bill 370 and its companion, 371, are products of suggestions from the Downstate Tax Buyers' <sic> Association, and I must tell you that if there's one area that I know less than a little about, it's -- it's in this entire arena about sales in error and intact sales. But basically 371 <sic> (370), as I understand it, would allow a tax purchaser to receive reimbursement for the taxes that he or she has paid in addition to costs and interest relating to a sale in error for a municipal lien. That's what the bill does. There

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were no opponents to these bills in committee, and they passed out of committee unanimously.

PRESIDING OFFICER: (SENATOR WATSON)

Is there discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield, Senator Hendon.

SENATOR HENDON:

Is there anything in your bill that would limit the number of properties that a tax buyer can purchase, or would keep the interest rate from being so exorbitant?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Woodyard.

SENATOR WOODYARD:

No. I don't think so.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hendon.

SENATOR HENDON:

Thank you very much, Mr. Chairman. Well, I would like to just sit down with you later and -- and take a look at that. See if we can address that issue, because it is a very serious issue of some of these tax buyers. Not all of them, but some of them are truly, truly profiteering off the backs of people who -- who get in some kind of trouble with their taxes. So I'll work with you on that.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Any further discussion? Senator Woodyard, to close.

SENATOR WOODYARD:

No.

PRESIDING OFFICER: (SENATOR WATSON)

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The question is, shall Senate Bill 370 pass. Those in favor will 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 55 voting Yes, no voting No, 1 voting Present. Senate Bill 370, having received the required constitutional majority, is declared passed. Senate Bill 371. Senator Woodyard. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 371.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. Again this is a recommendation of the Downstate Tax Buyers' <sic> Association, and it's primarily clarifying. Evidently there is some comingling of the language that is not real clear in the statutes dealing with certificate of -- of deeds and tax deeds, and so on, and this attempts to somewhat clarify that. It does amend the Property Tax Code providing that only tax deeds, which now it's certificates or deeds, shall after the expiration date of one year for -- to record the deed, be absolutely void, where it's now absolutely void with no right of reimbursement, and this would allow that.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 371 pass. Those in favor will 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 55 voting Yes, no voting

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No, 1 voting Present. Senate Bill 371, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The Chair would like to ask leave to come back to its bills after this Order of Business. Senate Bill 409. Senator Parker. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 409.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. Chairman, Ladies and Gentlemen of the Senate. Coincidentally since my last bill only failed by two votes, I found delivered on my desk a billy club from the Department of Corrections. So I thought I would bring it down here just in case I have any trouble on this bill. So, it was a good thing that came. The goal of Senate Bill 409 is to halt the sale of stolen merchandise at flea markets, and also address consumer safety. It requires persons who sell, offer for sale, or knowingly permit the sale at flea markets, of baby food products, formula, pharmaceuticals, over-the-counter drugs, cosmetics, or medical devices to make an -- to have an identification card and have it available to show that they are licensed or authorized to sell these products. These items are most often stolen from retail stores surrounding the flea markets. And sometimes the store sticker isn't even taken off, which leaves the store liable. This is also a consumer-safety issue, because the products noted in this legislation are easily tampered with and very often require special storage and handling, in addition to having limited shelf life. This bill addresses issues of retail theft and consumer

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safety at flea markets, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? If not, -- Senator Shaw.

SENATOR SHAW:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says she will.

SENATOR SHAW:

Would you -- would you go back into that licensing part that you dealt with there? You said that the person at the flea market should have a license, or anyone in possession should have a license. What did you say on that?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator -- Senator Parker.

SENATOR PARKER:

It is an authorization. For instance, if you're representing a cosmetic product, it's an ID card to say that you are the person that's representing that particular company. So it isn't exactly a license you have to receive from the State, but it is a notice of authorization that you are the one representing that particular product. For instance, Avon products.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

SENATOR SHAW:

What -- there -- there are vendors who are wholesalers, and how would that -- the vendor would go to your company, let's say, and purchase the product and then go out to the flea market and sell the product. How would he -- this person have a receipt. Now they -- does that person still need this ID card?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker.

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SENATOR PARKER:

Yes. He would. The problem is that what's happening now is people are selling these products and they have really stolen them from stores. So he would have to have some type of notification or authorization that he is permitted to sell a cosmetic product, baby foods, et cetera, at that flea market.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw. Senator Hasara.

SENATOR HASARA:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says she will.

SENATOR HASARA:

Senator, in committee did you discuss what the meaning of medical device is? Is it spelled out?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker.

SENATOR PARKER:

No, we did not.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hasara.

SENATOR HASARA:

Could you tell me what the intention is? Would that include, like, crutches, or Ace bandages or what -- what would a medical device be?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker.

SENATOR PARKER:

I don't know the exact definition they're talking about, but I would assume that if you had any breathing products or, you know, things that you could buy at the store that would help you to use some of these medications. That type of a thing, but it was not

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necessarily specifically discussed.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hasara.

SENATOR HASARA:

So you would define a medical device as going along with the pharmaceuticals that are banned?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker.

SENATOR PARKER:

Could you please repeat that?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker -- or, Senator Hasara.

SENATOR HASARA:

So, Senator, in your -- in your explanation you're considering the medical devices to go along with the drugs that are being sold?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker.

SENATOR PARKER:

Yes. We're most concerned about products that have a shelf life, or could be tampered on -- with that people could use and then it could be -- it could hurt the safety of them using it. For instance, medications that have a limited shelf life.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says she will yield.

SENATOR WELCH:

Senator Parker, I asked three other Senators here, and none of us had been to a flea market. Where are these flea markets held,

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in case we want to go?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker.

SENATOR PARKER:

I've been to a lot of flea markets. I guess they're up in the -- in the areas of Cook County. You've never -- we have one actually that's very close to my district, but they are held all over. They're held in the City of Chicago, or anywhere across the State. I'm surprised you haven't been at one, but it is an opportunity for people to come in. And they can just set up a table and start selling products. So there isn't much checking on what can be done, and what's happening is that, you know, now they are stealing from stores and they are selling these products that are consumable, and that's the problem.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Welch.

SENATOR WELCH:

We have people who sell stuff at tables, but we never call them a flea market. I guess that's the difference. But is the -- the gist of your bill is that people are stealing items and then selling them at the flea markets? Is that what you're trying to get at?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker.

SENATOR PARKER:

The concern is that what they are doing is taking consumable items from drugstores. These are over-the-counter, off-the-shelf products that people can consume and if they -- cosmetics that could actually endanger somebody, and that's why this specifically is important. And that is what is happening near the flea markets in the retail stores, particularly the drugstore areas. They are just taking them and then selling them at the flea market. It is

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only intentioned for consumable products from drugstores.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. The -- to the bill: The -- when the bill came before committee, what was brought to the attention of the committee members is that products that obviously are sold on a flea market are sold at a drastically reduced price. And the -- the question about ingestible items, such as, say, Benadryl or any type of product that could be sold in a drugstore pharmacy or an Osco or Walgreens, has a shelf life, including baby formula. Obviously, there is -- and stores take great care in making sure that items that are outdated are removed from shelf -- the shelves. This is not done in a flea market. So people would go to a flea market and not look at the date to which either a drug is expired or baby formula is expired, and what happens, not nine times out of ten, but there is a possibility that either -- an Osco label may be on that particular item being sold, or a Walgreens label and these pharmacies, or these chain of -- of stores are responsible because of the mere fact that the tag is on there. And what's happening is the people who buy these products at a flea market have not seen the expired date, go home and then look at the expired date, and then go back to Walgreens and -- and Oscos and everywhere and try to exchange it for something that they maybe paid fifty cents for that -- and that one of these other places may sell for four dollars. And it's -- it's my feeling, and the committee's feeling, that it's a consumer-protection bill, basically, because it protects consumers from a possibility of ingesting some -- either medication or baby formula that can possibly harm them. So I think Senator Parker actually hit the nail right on the head with this, and I would just ask at least the Members on this side, even though it's a

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great bill, to support this -- support this bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says she will yield.

SENATOR WATSON:

What happens in the situation where maybe you have an antique, a memorabilia? In many cases it is worth more if the contents is still in the box or still in the package, and that's -- there are a lot of pharmacies that have old drugs and old packages that are -- have a considerable worth. What would happen in a situation like that, if in fact, that let's say an old-time baby powder or -- or something that would be available at a flea market that would be considered an antique?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker.

SENATOR PARKER:

Are these things being sold at flea markets now?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Watson.

SENATOR WATSON:

Yes, they are.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker.

SENATOR PARKER:

I -- I don't think it would apply to antiques, but I'm not certain about that. The basic thing is, as Senator Raica said, what we're trying to do is look at particularly the cosmetics, the consumable products that have the limited shelf life. Do you...

PRESIDING OFFICER: (SENATOR DeANGELIS)

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Senator Watson.

SENATOR WATSON:

Will these items have an expiration date on the package? Is that -- is that the only item that you're referring to in the legislation?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker.

SENATOR PARKER:

I will read to you exactly what we're referring to in the legislation. We are talking about being a -- a distributor of any pharmaceuticals, over-the-counter drugs, cosmetics or medical devices. And those are the things that we're referring to.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Watson.

SENATOR WATSON:

It may be a far reach, but I could see where this could impact those antique dealers selling antique pharmaceuticals, which is not unusual. There are those types of dealers out there. This could, very well, impact them. I know that -- I don't think that's your intent, but this -- this could have a negative impact on them.

PRESIDING OFFICER: (SENATOR DeANGELIS)

For what purpose does Senator Garcia seek recognition?

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point, Senator.

SENATOR GARCIA:

Thank you, Mr. President. Mr. President, Senator del Valle and I are very pleased to welcome to Springfield many community representatives from various schools throughout the City of

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Chicago and other places, who are here in Springfield to talk to everyone about a quality education, and especially about bilingualism in the State of Illinois. Can we please welcome them, and give them a round of applause?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Will our guests in the gallery please stand and be recognized. (Greetings in foreign language). Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says she will yield.

SENATOR PALMER:

Senator Parker, two questions, really. What is the penalty for not complying should this bill pass, and secondly, I heard you say particularly the baby food, infant formula and so forth, but does that mean this is not exclusively directed at these products, that it could be directed at any other flea market product?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker.

SENATOR PARKER:

No. This is exclusively for pharmaceuticals, over-the-counter drugs, cosmetics or any medical devices. And those are topical type of things the medical devices would refer to. It is not with any other flea market. The other thing is, what this does is, it amends the Transient Merchants Act from 1987, and it allows then the police authority to come in and question the people selling these products, because now they do not have that capability. So they can ask for the authorization card and then they can ask to see if they, you know, are actually selling these and if not, then they can pursue at least some other grounds of, you know, checking into it so it isn't somebody that's just stolen the product and trying to sell them at a flea market.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Palmer.

SENATOR PALMER:

Is this restricted to flea markets, or does this apply to street vendors everywhere?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker.

SENATOR PARKER:

This is restricted to flea markets, exclusively.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Would the sponsor yield for a couple questions, please?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says she will.

SENATOR JACOBS:

First of all, it -- according to the bill, it says that the person must be authorized as an agent or a distributor. How is that done?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker.

SENATOR PARKER:

You would receive that from the manufacturer. For example, if you were to sell products, Avon or Mary Kay, something like that, you should have on you an ID card, and you should get that ID card in order to sell those products. So that person -- you know, that's how they would obtain it.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs.

SENATOR JACOBS:

Yes. Well, with that then, who is going to be responsible for

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enforcing this legislation, and if it's going to be local government is that not, in fact, a -- a -- a mandate on local government?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs, could you repeat the last part of what you said? I interrupted you with my hammer.

SENATOR JACOBS:

Who is going to be responsible for enforcing this -- this -- actually, what I consider to be a mandate? Who is going to be responsible for enforcing this legislation? Who's going to make the arrest? Who's going to do the investigation, et cetera? Who's going to do that? And if it's the local government, then I would suggest that this is a mandate to local government.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker.

SENATOR PARKER:

Right now when they go into flea markets - and it would be the local police that would be overseeing this - they have no way to shut down somebody who is standing there selling these products that could be expired and could potentially hurt people. They have no way to shut them down. This authorizes them to go in. It doesn't even mandate that they go in, but what it does is it authorizes the local police to go in and question if there is a problem with selling these drugs that could potentially help -- hurt the consumers.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jacobs.

SENATOR JACOBS:

The -- with all the problem we have with crime and we're down here passing all this strong crime package - we just passed one out of here today - the police, it would seem to me, in most cases would have more important things to do. I understand what you're

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trying to do, and I think what you're trying to do is noble. I'm just not sure that with this particular bill - the way it is written - we're really getting at the problem. Maybe you would be better off to state that they just can't sell those items, rather than to -- to have them be an authorized agent, and that way the stores can get their full value, if that's what they're looking in. I just think that this creates a mandate to local government. And I just want to make that point.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Tom Dunn.

SENATOR T. DUNN:

Just a suggestion to the sponsor: You might want to take all those ICC policemen that got eliminated and make them flea policemen.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. I -- you know, I know this, to some, may not seem like a serious program, but let me tell you the -- the largest flea market in the State of Illinois happens to be in Kane County. It -- it's once a month. They literally spend -- sell thousands of dollars worth of merchandise. In fact, our former Governor used to periodically make a trip there and -- and buy some of his antiques. It's a big deal, at least in -- in our neck of the woods. At DuPage County Fairgrounds they also have these flea markets all the time. This is not a small operation that she is trying to address. It is true that sometimes, unfortunately, we may have merchants who are not exactly on the up and up, and I think that's exactly what she's trying to get at, with some of their outdated programs -- merchandise. If you buy formula that is outdated, it is -- it can be a very dangerous thing for the baby. This is a good idea, and -- and we should support this

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bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Berman.

SENATOR BERMAN:

Sponsor yield to a question?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says she will.

SENATOR BERMAN:

As I read this bill, if I -- if I purchase a case of twenty-four tubes of toothpaste from a retailer that's closing up and I go to the flea market the following week and sell one of those tubes of toothpaste for, let's say, a buck and a half - I only bought it for a buck, and I sell it for a buck and a half - and I don't have an identification card, on the first week that I do that I can be arrested and charged with a Class B misdemeanor, and because it was the first violation, I'd only get fined, let's say, five hundred dollars. But if I wanted to do it the second week for selling the rest of my case of toothpaste for another buck and a half, I could be found guilty of a Class 4 felony and be sent to the penitentiary for one to three years and fined ten thousand dollars. Am I reading this bill correctly?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker.

SENATOR PARKER:

Yes, you are, but I think what you need to take into consideration: First of all, if you're just selling toothpaste, you probably can negotiate and work with the judge where you're not going to be fined or sentenced as this says, but if you're selling Tylenol or if you're selling baby food that has glass in it, or if you're selling things that have been tampered with that actually people can be hurt and killed by, this gives the people there -- the consumers coming into the flea market protection. It

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also gives the retailers protection. This bill was brought to me by the Illinois Retail Merchants' Association. They have -- the retailers now are liable. If they have a bottle of Tylenol that is sold at a flea market and their sticker is on it, it has been tampered with, and somebody dies from it because it was tampered in with poison or whatever, the retailer is the one that's liable for that. So though may -- it may be a little bit onerous, as you say, on some people, I think it's important to protect the consumer and to look at the important things that we have to do to protect consumers in this day and age.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Berman.

SENATOR BERMAN:

Was anyone from...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Oh! Senator Berman... Could we please, please pay a little more attention and do a little less talking. Senator Berman.

SENATOR BERMAN:

At the time this bill was heard in committee, was there anyone there representing the flea markets or the flea market sales people?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker.

SENATOR PARKER:

No, there was not.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker, to close.

SENATOR PARKER:

Thank you very much. This isn't a big bill, but I think it's very important. It does protect the consumers. It protects the retailers. There is, unfortunately, problems with tampering. And I think it's a good consumer bill, plus it is a safety bill. And

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I urge a favorable vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall Senate Bill 409 pass. Those in favor will vote Aye. The opposed will vote Nay. And the voting is open. Have all voted who wish? Take the record. On that question, there are 30 Ayes, 21 Nays, 5 voting Present. Senate Bill 409, having received the required constitutional majority, is declared passed. Senator Berman requests a verification of the affirmative votes. The clerk will please read the...

ACTING SECRETARY HAWKER:

The following Members voted in the affirmative: Barkhausen, Butler, Cronin, DeAngelis, Dillard, Donahue, Dudycz, Fawell, Fitzgerald, Geo-Karis, Hasara, Hawkinson, Karpiel, Klemm, Lauzen, Madigan, Mahar, Maitland, O'Malley, Parker, Peterson, Petka, Raica, Rauschenberger, Sieben, Syverson, Walsh, Weaver, Woodyard and Mr. President.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR DeANGELIS)

Does Senator Berman question the presence of any Member voting in the affirmative?

SENATOR BERMAN:

Senator Peterson.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Peterson. Senator Peterson? Strike his name. On

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that question -- on a verified roll call, there are 29 Ayes, 21 voting Nay, 5 voting Present. Senate Bill 409, having failed to receive the required constitutional majority, is declared lost. Senator -- Senator Parker.

SENATOR PARKER:

I would like to put that bill under Postponed Consideration.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Parker has requested verified -- on Postponed Consideration. Senate Bill 417. Senator Sieben. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 417.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Sieben, to explain the bill.

SENATOR SIEBEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill simply amends the Commemorative Dates Act by designating September 17th as Baron von Steuben Day, and November 16th as Dutch Heritage Days, suggested by a constituent in my district who recognized that we weren't recognizing these people in our State, who represent a significant percentage of our population. These would be commemorative dates, and not legal holidays. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Klemm.

SENATOR KLEMM:

I was just curious. Is this von Sieben day, or von Steuben Day? Could you clarify that for us?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Sieben.

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SENATOR SIEBEN:

The spelling is correct, and it would be von Steuben Day.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall Senate Bill 417 pass. Those in favor will vote Aye. The opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 Ayes, 3 voting Nay, 1 voting Present. Senate Bill 417, having received the required constitutional majority, is declared passed. That effectively completes our work for the day. I know there's some committees that want to start. We've got some clean-up work. Mr. Secretary. Committee Reports.

SECRETARY HARRY:

Senator Klemm, Chair of the Committee on Local Government and Elections, reports Senate Bills 761, 762, 764, 907 and 908 Do Pass; Senate Bills 34 and 315 Do Pass, as Amended; and Senate Amendment 1 to Senate Bill 112 Be Adopted.

Senator Sieben, Chair of the Committee on State Government Operations, reports Senate Bills 637, 756, 763, 992 and 1188 Do Pass; and Senate Bill 675 Do Pass, as Amended.

And Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Bills 69, 111, 175, 235, 407, 428, 447, 582, 619, 640, 664, 704, 960 and 1203 Do Pass; and Senate Bills 5, 146, 229, 239, 303, 338, 384 and 435 Do Pass, as Amended.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. I just want to say that Senator Hall is still in St. Louis Hospital -- St. Louis University Hospital, a little better yesterday than he was, but still in the hospital. Along with Senators Carroll and Demuzio, who are ill today. They're out.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Thank you. Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Just would like to announce that the Senate Executive Committee will meet at 2 o'clock. We will meet at 2 o'clock prompt. We have a lot of bills to hear today. We have a lot of people down to testify. Please be present at 2 o'clock in Room 212 for the Senate Executive Committee. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Raica.

SENATOR RAICA:

Just the purpose of committee announcement, Mr. President. This afternoon at 2 o'clock in A-1 of the Stratton, the Committee on Public Health and Welfare will be meeting. They'll be meeting on the two provider tax bills, and then the subcommittee on the EMS Act will meet immediately following.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Resolutions.

SECRETARY HARRY:

Senate Resolution 33, offered by Senator Shaw.
It's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Consent Calendar. Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. I would move, and like to table, Senate Bill 1201. That's 1-2-0-1.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dillard moves that Senate Bill 1201 be tabled. All those in favor, say Aye. The opposed, vote Nay. The Ayes have it, and Senate Bill 1201 is tabled. Senator Madigan.

SENATOR MADIGAN:

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Thank you, Mr. President. I rise for purpose of an announcement, that the Insurance Committee -- Senate Insurance Committee will meet at 2 o'clock in Room 400. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Is there any further business to come before the Senate? If not, the Senate moves -- or, Senator Rauschenberger moves that the Senate stand adjourned until 11 a.m. Thursday, March 16th. 11 a.m. 11 a.m. tomorrow.

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