

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

PRESIDENT PHILIP:

The regular Session of the 89th 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 Father Kurt Ohlsen, Saint Richard's Episcopal Church, Chicago, Illinois. Father Ohlsen.

FATHER KURT OHLSEN:

(Prayer by Father Kurt Ohlsen)

PRESIDENT PHILIP:

All please rise for the Pledge of Allegiance, led by Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, I move that reading and approval of the Journal of Tuesday, April 18th, in the -- in the year 1995, be postponed, pending arrival of the printed Journal.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

Senator Fawell, Chair of the Committee on Transportation, reports Senate Bills 395, 524, 559, 708, 776, 1039 all Do Pass, as Amended.

Senator Cronin, Chair of the Committee on Education, reports Senate Bills 265, 656, 710, 1034 and 1115 Do Pass; and Senate Bills 130, 377, 802, 971 and 998 Do Pass, as Amended.

Senator Sieben, Chair of the Committee on State Government

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

Operations, reports Senate Bill 1200 Do Pass; and Senate Bill 1139 Do Pass, as Amended.

And Senator Klemm, Chair of the Committee on Local Government and Elections, reports Senate Bills 588, 820, 823, 824 and 1197 Do Pass; and Senate Bills 256, 412, 478, 586, 636, 706, 781, 788, 931, 949 and 1067 Do Pass, as Amended.

PRESIDING OFFICER: (SENATOR WEAVER)

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. McLennand, Clerk.

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

House Bills 16, 553, 573, 629, 868, 897, 1212, 1458, 1498, 1698, 1486, 1510, 1699, 1800, 1843, 1968, 1969, 1977, 2181, 2346, 1246 and 2094.

All passed the House, April 18th, 1995.

PRESIDING OFFICER: (SENATOR WEAVER)

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 956, offered by Senator Berman.

(Secretary reads title of bill)

House Bill 1246, by Senator Karpiel.

(Secretary reads title of bill)

Senator Weaver offers House Bill 1473.

(Secretary reads title of bill)

House Bill 1474, by Senator Weaver.

(Secretary reads title of bill)

And House Bill 1969, by Senator Madigan.

(Secretary reads title of bill)

1st Reading of the bills.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

PRESIDING OFFICER: (SENATOR WEAVER)

We'll go to page 2 on the Calendar, Senate Bills 2nd Reading. I would hope that the Members would move these bills if they're ready. Senator Butler, on Senate Bill 320? Do you wish to move the bill? House <sic> Bills 2nd Reading, page 2. Senate Bill 320. Senator Sieben, on Senate Bill 336? Out of the record. Senator -- oh! That's a fiscal note. Excuse me. Senator Woodyard, on 448. Do you wish to move the bill? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 448.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Woodyard.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard, to explain the amendment.

SENATOR WOODYARD:

Yes. Thank you, Mr. President. I hope I'm on the right amendment here. This -- there -- this bill deals with -- with, eventually, remediation and monitoring and cleanup on chemical fertilizer plants. It has -- this Floor Amendment No. 2 is relatively an agreement between EPA, Department of Agriculture and the Chemical Fertilizer Dealers' Company. I'll try to -- to go into the amendment a little more if you like, but a lot of this is clean-up language. And I will tell you that at this point in time, the Illinois Farm Bureau is not totally in support of this. We feel we want to go ahead and move this to 3rd Reading and

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

probably even move it out of the Senate, where the amendment has already been drafted for the House that would -- would certainly take care of Farm Bureau's concern and move it on from there. And I would move for adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, all in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. The amendment's adopted. Any further amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Chicago Tribune has asked permission to tape -- take pictures. Is there leave? Leave is granted. Senator Maitland, on 459? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 459.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Are there amendments -- Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Is there leave to return to 501, 502, 503, (50)4, and (50)5? Leave is granted. Senator Thomas Dunn, on 506? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 506.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance, Pensions and

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

Licensed Activities adopted Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. For what purpose does Senator Donahue arise?

SENATOR DONAHUE:

Well, thank you, Mr. President. I would rise on a point of personal privilege.

PRESIDING OFFICER: (SENATOR WEAVER)

State your point.

SENATOR DONAHUE:

Thank you. I will do it very briefly. In the President's Gallery today, we have some friends that are visiting here from the country of Ireland, and I would just -- they're here to see the Lincoln sites and how the Senate operates, and I'd like to have them rise and be recognized.

PRESIDING OFFICER: (SENATOR WEAVER)

Will our guests please rise. There's been a request to ask what county in Ireland? You know, Senator Donahue? She doesn't know. Senator Fawell, on 539?

SENATOR DONAHUE:

County Down.

PRESIDING OFFICER: (SENATOR WEAVER)

County Down. Out of the record, 539. Senator Woodyard, on 543? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 543.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Agriculture and

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

Conservation adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 584, Senator Woodyard? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 584.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Donahue, on 611? Out of the record. Senator Thomas Dunn, on 664? Out of the record. Senator Woodyard, on 679? Do you wish to advance the bill, Senator Woodyard? 679? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 679.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Are there any amendments from the Floor?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Karpziel.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Karpziel, to explain the amendment.

SENATOR KARPIEL:

Thank you, Mr. President. I'm sorry I wasn't in my seat. This amendment simply adds -- simply adds two circuit judges to

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

the -- I believe it's the Sixteenth Circuit.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall the Senate adopt amendment to 679. All in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. The amendment's adopted. Any further amendments?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Ralph Dunn, on 718? Do you wish to move the bill? Do you wish to move the bill? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 718.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator -- Senator Garcia asks leave to handle 700 for Senator Shadid. Is there leave? Leave is granted. Do you wish to move the bill, Senator? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 700.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

3rd -- 3rd Reading. Senator Lauzen, on 725? Out of the record. Senator Woodyard, on 728? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 728.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Maitland, on 731? Out of the record. 749? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 749.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Lauzen, on 760? Senator Lauzen? Out of the record. Senator Maitland, on 761? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 761.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Barkhausen, on 777? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 777.



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Hawkinson, 782? Out of the record. Senator Butler, 793? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 793.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Lauzen, on 798? Out of the record. Senator Maitland, on 808? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 808.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Raica, on 816? Out of the record. Senator O'Malley, on 832? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 832.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Cronin, on 843? Read the bill, Mr. Secretary.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

SECRETARY HARRY:

Senate Bill 843.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Molaro, on 854? Out of the record.  
Senate Bill 885. Senator Severns. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 885.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for  
consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Severns.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Severns, to explain the amendment.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. This is the  
statutorily required payout for the widow of Senator Hall. I  
would move for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

All in favor, signify by saying Aye. Opposed, Nay. The Ayes  
have it. The amendment's adopted. Are there further amendments?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Klemm, on 951? Read the bill, Mr.  
Secretary.

SECRETARY HARRY:

Senate Bill 951.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Local Government and Elections adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. For what purpose does Senator Maitland arise?

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. In the President's Gallery, off to my right, are a group of Bloomington High School students, with their -- with their teacher, Mr. Stan Otto: Chris Corcory, Erin Fishbach and Emily Mueller. I'd like to them to rise and be recognized by the Senate, if they would, please.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger, on 991? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 991.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health and Welfare adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger, to explain the amendment.

SENATOR RAUSCHENBERGER:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

Floor Amendment No. 2 is a technical amendment. Corrects a drafting error. I'd move its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, all in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Cronin, on 1019? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1019.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Raica, on 1033? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1033.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Fawell, on 1080? Senator Fawell? Out of the record. Senator Petka, on 1100? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1100.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

PRESIDING OFFICER: (SENATOR MAITLAND)

Ladies and Gentlemen, if I could have your attention, please. We have some very special guests with us this afternoon. We have the Class A Men's Basketball -- State Basketball Champions with us -- U-High of Normal. Their coach, Cal Hubbard, their players and staff and -- and cheerleaders. I'm delighted to welcome them here. They represented their school extremely well, represented the State very well. I'd like to introduce to you Coach Cal Hubbard, who would be happy to introduce all the players and -- and cheerleaders and staff to you. Coach Hubbard.

COACH CAL HUBBARD:

(Introduces State champions, cheerleaders, and staff)

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Ladies and Gentlemen, Senate Bills 2nd Reading, bottom of page 6, Senate Bill 1106. Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1106.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 1107. Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1107.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 1129. Senator Dillard. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1129.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any other Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 1152. Senator Rauschenberger. Senator Rauschenberger on the Floor? 1152? Senate Bill 1205. Senator Barkhausen. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1205.

(Secretary reads title of bill)

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

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 Bill 1206. Senator Barkhausen. All right. Earlier Senator Weaver requested leave to return to Senate Bills 501, 502, 503, when he was in the Chair. Is leave granted? Leave is granted. On the Order of 2nd Reading, bottom of page 3, is Senate Bill 501. Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 501.

(Secretary reads title of bill)

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

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

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 502. Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 502.

(Secretary reads title of bill)

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

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 Bill 503. Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 503.

(Secretary reads title of bill)

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

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 Bill 504. Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 504.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading -- I'm sorry. Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you. I'd like to move adoption of Floor Amendment No. 1 to Senate Bill 504. This bill adds -- this amendment takes the capital recommendations for the Governor's budget and amends it into Senate Bill 504.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Rauschenberger has moved the adoption of Floor Amendment No. 1 to Senate Bill 504. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 505. Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 505.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Ladies and Gentlemen, if I could have your attention, please. At this time I'd like to recognize Senator Art



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

Berman for some -- for some special remarks this afternoon.  
Senator Berman.

SENATOR BERMAN:

Thank you. Ladies and Gentlemen of the Senate, if I could have your attention for a few moments. This morning at 11 o'clock, we had our annual commemoration of the Holocaust at the Old State Capitol. The Governor, who recently returned from a trip to Israel and other Mideast countries, was there and gave a very eloquent presentation. We were also joined by the Lieutenant Governor and by our former colleague, the new State Treasurer. I wanted to share with all of you a few words that were shared with us this morning at the memorial service. One of the presenters was a gentleman who I have known for many years, a gentleman by the name of Ira Miller. And just as a year or two ago, we had a presentation by Dick Lockhart, who many of you know as a very effective lobbyist. These are people that you know, who you see, and until the Holocaust remembrance service, I, personally, was not aware of their connection to the Holocaust. Dick Lockhart was enjoined in a concentration camp as a American soldier during the Nazi regime. And Ira Miller told today about how he, as a member of the United States Tank Corps, was part of the group that went to the gate of the Buchenwald concentration camp fifty years ago this year, 1945 - the fiftieth year of the liberation of the concentration camps. And he was in the Tank Corps that went to Buchenwald and opened the gates and saw the people that were imprisoned in Buchenwald. And what he said was one of the things that he saw, as they walked through the gates, was a stack of what he thought - first impression - was cordwood stacked up. But it wasn't cordwood. It was bodies. Bodies on top of bodies. He saw large holes that the inmates that were still alive told him that they were instructed that with the allied forces coming to liberate Buchenwald, that the inmates were ordered to dig holes so

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

that there would be a place for those few remaining inmates to be killed and dropped into. For fifty years, Mr. Miller says, every day he remembers that day at Buchenwald. The opening prayer today was delivered by a Rabbi Michael Arsers of Congregation Anshai Emeth in Peoria, and I wanted to just read a paragraph of his opening comments. "Yet, we are gathered here today to honor the memory of those who died. We cannot long keep silent. We must tell the story again and again, to never let the memory of those who perished die. We shall recall the story of every human being whose life was brutally taken from them. We will forever hear the screams of children pulled away from their parents and sent to the crematoria. We will forever hear the moans of men and women who were worked and starved to death. We will forever bear in our souls the agony of human beings, of mothers and fathers, and sons and daughters, who were tortured and experimented upon. We will forever remember the suffering of every, single victim of the Nazi persecution, whether Jews or Gypsies, the handicapped or the mentally ill, because none of them deserved their horrible fate, because all of them cried out for help but were left alone. Our fate is to remember until the end of time itself." And, fellow Senators, in closing, let me repeat the inscription on the walls of a cellar in Cologne, Germany, where Jews were hidden from the Nazis. And on the wall it said, "I believe in the sun, even when it is not shining. I believe in love, when feeling it not. I believe in God, even when he is silent." Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, Senator Berman. All right. Ladies and Gentlemen, top of page 7, Senate Bills 3rd Reading. Oh, I'm sorry. Page -- top of page 9. Senate Bill 758. Senator Mahar.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Ralph Dunn, on Senate Bill 763? Roll the bill, Mr. Secretary.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

SECRETARY HARRY:

Senate Bill 763.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dunn.

SENATOR R. DUNN:

Thank you, Madam President and Members of the Senate. Senate Bill 763 applies to employees of Corrections who request a leave of absence, to -- allows them to request a leave of absence without pay if he or she is elected to a law enforcement position. This bill was brought about by a fellow in my district elected sheriff. Had been a Department of Corrections member and he had been given to understand -- or thought he had been given to understand it, had he -- if he got elected, he would be granted a leave of absence. And after election, why, it was denied and -- and this is -- will help straighten that matter out. I appreciate a Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any questions? Are there any questions? Seeing none, the question is, shall Senate Bill 763 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. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 763, having received the required constitutional majority, is declared passed. Senator Madigan, on Senate Bill 766? Senator Philip, on Senate Bill 772? Senator Barkhausen, on Senate Bill 774. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 774.

(Secretary reads title of bill)

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Madam President and Members. Senate Bill 774 is a product of local governmental activity in my area where three communities - Highland Park and Highwood and Lake Forest - are attempting to help promote the redevelopment and preservation of the Fort Sheridan Army Base, which has been closed by the Army and which has been the subject of much planning - some of it quite frustrating - over the last five years. This bill was passed unanimously in the Senate Local Government Committee to create a Fort Sheridan Redevelopment Commission and to give it certain powers that the commissions -- the legislation's authors felt would not exist simply by these three communities adopting an intergovernmental agreement. The bill, I -- I -- I think, may need a slight technical amendment, but it otherwise has -- there are no problems with it, and that can easily be done in the House. So I would ask for your support of the legislation at this time and would otherwise be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, I had asked Senator Barkhausen if there was any power of condemnation in this bill, and I believe he told me there was. When I signed on, I wasn't aware of it, and I wonder if he could take it out of the record, because I would like to see an amendment on it that you and I talked about, Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Barkhausen.

SENATOR BARKHAUSEN:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

Senator Geo-Karis is correct. She and I talked about the -- the condemnation powers, which it's very unlikely that the Commission would -- would use. As I say, I think the bill needs to be amended anyway in the -- in the -- in the House, and that would be -- that would be my preference, since the bill -- otherwise there are no problems with it, and as I say, it passed unanimously in committee.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, then I'd like to have my name removed as a cosponsor from it, because I cannot support the bill the way it is, with the power condemnation in it.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR BARKHAUSEN:

I'd simply ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 774 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. On that question, there are 46 Ayes, 1 Nay, 7 voting Present. Senate Bill 774, having received the required constitutional majority, is declared passed. Senator Syverson, on Senate Bill 804. Senator Syverson? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 804.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

Senator Syverson.

SENATOR SYVERSON:

Thank you, Madam Chairman. Senate Bill -- Madam President. Excuse me. Senate Bill 804 amends the Insurance Code. It -- it implements some of the federally mandated provisions of the OBRA Act of '93. Basically the bill just requires that employers, insurance carriers, HMOs, et cetera, would be required to enroll noncustodial -- the parents of noncustodial children <sic> in their health insurance plan, thus taking them off of Medicaid. I'm happy to have Senator Smith as a cosponsor. I know of no opposition to this bill. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any further discussion? Seeing none, the question is, shall Senate Bill 804 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. On that question, there are 59 Ayes, no Nays, none voting Present. Senate Bill 804, having received the required constitutional majority, is declared passed. Senator O'Malley, on Senate Bill 805? Senator Fitzgerald, on Senate Bill 810? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 810.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 810 simply allows physicians to practice in limited liability companies. It amends the Medical Practice Act to make changes that provide for that. The Limited Liability

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

Company Act would already allow for that. We just need to make some technical corrections to the Medical Practice Act to accomplish it. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Any further discussion? Seeing none, the question is, shall Senate Bill 810 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. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 810, having received the required constitutional majority, is declared passed. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, I want to disclose that I do represent medical people and I -- I voted my conscience. I just want the record to show it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Record will show that, Senator Geo-Karis. Senator -- Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Thank you. On the vote before last, Senator Shadid was voted by -- in error. His key was turned off yesterday because he's absent on government business, as he is today. I want the -- record to reflect it was in -- in error.

PRESIDING OFFICER: (SENATOR DONAHUE)

The record will so reflect, Senator Demuzio. Senator Fitzgerald, on Senate Bill 811? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 811.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

Senator Fitzgerald.

SENATOR FITZGERALD:

Yes. Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 811 amends the Code of Civil Procedure to delete current law language which specifies the duties of the Director of the Department of Insurance under this Section. It provides that the Director shall establish rules and procedures necessary to implement this Part 17.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any further discussion? Seeing none, the question is, shall Senate Bill 811 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. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 811, having received the required constitutional majority, is declared passed. Senator Syverson, on Senate Bill 821? Senator Syverson, on 821? Senator Geo-Karis, on Senate Bill 830? Senator Fitzgerald, on Senate Bill 831? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 831.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Madam President. Senate Bill 831 amends the Pharmacy Practice Act to provide that the two dollars and fifty cents of a pharmacy technician's license renewal fee shall be deposited into the Pharmacy Disciplinary Fund for support of a substance abuse program. It passed out of committee unanimously, I believe, and there's no known opposition.



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 831 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. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 831, having received the required constitutional majority, is declared passed. Senator Smith, on Senate Bill 846. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 846.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Smith.

SENATOR SMITH:

Thank you, Madam Chairman. 846 is the recommendation of the National Child Safety Network, and the intent of this bill is to further identify child abuse. It passed out of committee on the Agreed Bill List, and the Illinois Funeral Directors Association is neutral on this bill. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 846 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. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 846, having received the required constitutional majority, is declared passed. Senator Barkhausen, on Senate Bill 864. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 864.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Madam President and Members. Senate Bill 864, sponsored by Senator Watson and myself - in fact, it comes to my attention from a constituent of his who pointed out that this legislation presents the opportunity for us to create alternatives to probate for those with modest-sized estates who want to designate a means for their heirs to receive real estate without such property having to go through the probate courts. In the last Session, we did something similar for owners of securities, and this legislation creates a beneficiary deed which allows the owner or owners of real estate to designate, in a deed, beneficiaries that would receive the property upon their deaths. The legislation, as amended, spells out the manner in which such a deed could be revoked. I'd be glad to answer any questions you may have.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

When you talk about creating a beneficiary deed that does not convey title or real estate until the grantor's death, just exactly what do you mean? It's not clear to me, and I've been in practice for many years.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Barkhausen.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

SENATOR BARKHAUSEN:

Well, just -- just what you said, Senator. It's -- it's basically a -- a grant which takes place only in the future upon the death of the -- of the owners of the property and the -- and the grantors under the deed. It is -- it is a -- a new concept, but it's -- it's similar - to compare it to something, I think, analogous - it's similar to the designation of beneficiaries of other kinds of property, whether in a -- in a revocable trust or in a -- any other form of property where you designate a beneficiary, such as a retirement plan account.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Actually, you can accomplish the same thing if you want to give -- let's say you want to give me a life estate, and upon your death, I would get the -- the interest on it. I mean, I -- I don't quite understand what you're going to gain by making a beneficiary deed. First of all, it's going to muddle the title, because it says it has no effect on a title until the grantor's death or the death of the last to die, and then it says you can revoke it at any time. So if you can revoke it at any time, what is the -- what is the common sense on having something like this?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Well, you're right, Senator. It's only -- it's only effective upon death and it's only intended to be effective then, but the -- the purpose of it is to create an alternative to three other common means of transferring real estate upon death. One is, of course, by will, and that goes through probate, and lots of people these days want to avoid probate and the expense, delay and -- and publicity, in some cases attendant with probate. It's also an

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

alternative to a living trust, which are -- they're being widely sold, in many cases not by lawyers these days as an all-purpose, and in many cases inappropriate, answer to -- or an alternative to probate. So it's an alternative to living trusts. Also, it's an alternative to joint tenancy. When somebody create -- puts property in joint tenancy and the other joint tenant is not a spouse, they have made a gift. Similarly, in your -- in your example, you talk about, well, what about a life estate. If you own property outright yourself and then you convey it such that you retain the life estate, but someone else gets a remainder interest, you -- you thereby have made a gift. Now in -- in this situation, with a beneficiary deed, since the transfer only takes effect upon death and can, in the meantime, be revoked, there is no effective gift when the deed is executed and the -- because the transfer only takes effect upon death.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

What about -- well, when you're making a deed, like you have stated, what about the tax consequences? How will IRS look at it? Is IRS going to look at the value of the property at the time that you make that beneficial deed, or is it going to look at it upon the death -- on your death? Have you -- have you gone into that at all?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator, they would -- they would look -- the tax consequence, if any, would occur at death, because that's when the property would actually be transferred. It's similar -- it would be similar to the situation today with a living trust, which is revocable, and then, somebody puts property in a living trust but

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

they retain the power to revoke, they have not made a gift. But if the total amount of their property at death is sufficiently high, there may be estate taxes that would be due at death. So it's similar in -- in its tax consequence, it's similar to a living or revocable trust.

PRESIDING OFFICER: (SENATOR DONAHUE)

One more question. Senator Geo-Karis.

SENATOR GEO-KARIS:

When you say this avoids probate, one of the reasons for a probate is so that people -- if there are debts owed to -- by an estate, those debts could be paid. When you avoid probate, aren't you avoiding possibly paying some bills that might be due from that estate -- I mean, by having a beneficiary deed like this?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Barkhausen.

SENATOR BARKHAUSEN:

No, I don't think so, Senator. The creditors -- if -- if -- particularly if the transfer by this means was made by the grantor knowing that he or she owed money, it could be considered a transfer that would be fraudulent against creditors.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Welch.

SENATOR WELCH:

Yes. I wonder -- if the Members aren't paying attention, this was explained as being a way to avoid probate, and it's really not. It's really a way to tie up somebody's estate for an even longer period of time than would normally be the case. What's going to happen is, if you're a -- an individual has a judgment against you, first thing you're going to do is deed your property away to somebody else, so when you die, an individual not only inherits your property, they inherit your property with a judgment against it, so that the judgment creditor is then going to go

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

after you, as the heir, to collect their judgment. That's one of the problems with this. A second problem is this: Why would a bank ever loan you money if you're going to record a deed subsequent to the loan deeding your property away upon death? What's going to happen is, if you deed your property to somebody who's unemployed or your child, the bank is immediately going to have to foreclose. This bill is opposed by the title companies in the State of Illinois, and there's a good reason. Clearing title to property is the whole purpose of probate. You won't be able to get clear title to the estate if this is the law. This is going to tie up everybody, and in addition, if you're an attorney for a collection agency... I can't even hear myself.

PRESIDING OFFICER: (SENATOR DONAHUE)

Can we keep the conversations down please? Would Senators please be in your seats and, staff, take you conferences off the floor. This is a serious debate, and we should be listening. Senator Welch, to continue.

SENATOR WELCH:

Thank you. I know everybody wants to avoid probate and avoid lawyers. This does exactly the opposite. You're going to have more lawyers involved, and this is going to be a full lawyer employment bill. If somebody -- if a company is pursuing a collection case against a debtor, they're probably going to ask them to -- in addition to making payments, to sign a deed that deeds the property back to the company so they can get paid off. That's another possibility with this. In addition, what if you change your mind after you record a deed? If you record a deed giving the property to your -- your nephew, then you decide, "Well, I'd rather give it my niece", you record another deed, you're going to have the title to the property so confused it's going to take hundreds and hundreds of dollars, number one, to get a clear title; number two, to pay your lawyers; and number three,

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

to have the lawyer prepare the deed in the first place. You know, I'm a lawyer myself, and this will create a lot of business for lawyers. This is a totally bad idea. That's why they only do it in Missouri and not in advanced states like the State of Illinois. And I would urge a No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR BARKHAUSEN:

Madam President, I hesitate to try to clarify something that's a little bit technical, but again, this bill is similar in concept to a -- a living trust. Just as you can convey property into a trust, theoretically - and I emphasize "theoretically" - to defeat the interests of creditors, and you have that opportunity today, this creates the same theoretical opportunity, but I don't think it is going to be in any way injurious to the interests of -- of creditors. We have already, Ladies and Gentlemen, for basically every other kind of -- of property, we have created, by Statute, alternatives to probate. We've done it -- we did it last year for securities and securities' accounts. And by means of this legislation, which I might have said passed 8 to 1 in the Senate Judiciary Committee, we would create for the middle class an alternative to probate for real estate and thereby for all of their assets. This is really good consumer legislation, I think, and I urge your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 864 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? Have all voted who wish? Take the record. On that question, there are 29 Ayes, 21 Nays, 6 voting Present. Senate Bill 864, having not received the required constitutional majority, has

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

failed. Senator Barkhausen. Senator Barkhausen has -- I'm sorry -- has requested Postponed Consideration. Senator Severns, on 869? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 869.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President, Members of the Senate. By federal law and State rule and regulation, it is stated that health workers are required to wear gloves when drawing or handling blood. Unfortunately, by firsthand experience, they're not doing it. And the only thing this legislation proposes to do is provide that those who violate the federal law and the State rule and regulation, that they can be fined if they're found to be in violation. The bill passed out of committee unanimously, and I would hope for a favorable vote. I'll be happy to answer any questions. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Senator Raica.

SENATOR RAICA:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Raica.

SENATOR RAICA:

Senator Severns, are we saying that a health care professional who, in an emergency situation, just forgets to put the gloves on, or whatever, is going to be held accountable and receive what type of penalty?

PRESIDING OFFICER: (SENATOR DONAHUE)



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

Senator Severns.

SENATOR SEVERNS:

By -- by rule or regulation, we -- we haven't -- that has not been addressed by current rule and regulation. By current rule and regulation, it could be addressed. This is not intended to those who are in emergency situations and emergency rooms, but to those who, just in the normal administering and blood handling, aren't following the federal law and the State rules and regulation. To my dismay and surprise, there were too many instances where they simply were not wearing gloves.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Raica.

SENATOR RAICA:

Next question. Is -- hypothetical situation. One of the individual's develops a contagious -- let's just say HIV or -- or any other one that can be gotten by either blood or sputum or whatever. And let's just say they've -- is that going to preclude them now with this bill from seeking workmen's comp or any type of compensation because now they're going to be penalized by this bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Severns.

SENATOR SEVERNS:

This bill in no way affects or -- or has any impact on that.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR SEVERNS:

I would just appreciate a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 869 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

who wish? Have all voted who wish? Have all voted who wish?  
Take the record. On that question, there are 51 Ayes, 2 Nays,  
none voting Present. Senate Bill 869, having received the  
required constitutional majority, is declared passed. Senator  
Walsh, on Senate Bill 905? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 905.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Walsh.

SENATOR WALSH:

Thank you, Madam President. Senate Bill 905 deletes  
provisions which require a funeral director in Cook County to have  
a special permit to dispose of a body or fetus. This brings Cook  
County into parity with the -- the other one hundred and one  
counties in Illinois. This bill is supported by the Illinois  
Funeral Directors Association, the Department of Public Health,  
and the City of Chicago. And I ask...

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the  
question is, shall Senate Bill 905 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. On that question, there are 57 Ayes, no Nays, none voting  
Present. Senate Bill 905, having received the required  
constitutional majority, is declared passed. Senator Walsh, on  
Senate Bill 910. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 910.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Walsh.

SENATOR WALSH:

Thank you, Madam President. Senate Bill 910 deletes provisions requiring brokers who solicit orders for, offer to sell, or offer to supply alcoholic liquor to retailers in Illinois to be licensed. This is just clean-up legislation for the Liquor Control Act.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, my analysis indicates that that part was deleted and that the amendment became the bill. Perhaps you might want to explain the amendment.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Walsh.

SENATOR WALSH:

You're -- I'm sorry. You -- you -- you are right. But this is clean-up legislation for -- this -- this bill was offered by the Beer Distributors and it does take out the -- the brokers' license, however.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? Further discussion? The question is, shall Senate Bill 910 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. Oops! On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 910, having received the required

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

constitutional majority, is declared passed. Senator Barkhausen, on Senate Bill 934? Senator Sieben, on Senate Bill 942. Senator O'Malley, on 943? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 943.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President. Senate Bill 943 requires the State Board of Education to appoint a seven-member Paperwork Reduction Task Force to review the paperwork burden placed on school districts and recommend a plan for the reduction of paperwork mandates. Their report must be completed within one year of the Task Force's appointment. The State Board must adopt any rules necessary to implement the plan and forward any appropriate legislative suggestions to the General Assembly. I'd be happy to answer any questions there may be and would appreciate support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate 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. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 943, having received the required constitutional majority, is declared passed. Senator Dudycz, on Senate Bill 947. Senator Klemm, on Senate Bill 948? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 948.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Bill 948 raises the population limit from five hundred thousand to one million for counties in which a special district may be consolidated in a township government, so long as those borders are coterminous with the township boundaries. There's a case in DuPage County where they would like to eliminate one layer of government and the township wanted to take it over, but the current law prevents them because of a quirk of the population limit. So we're raising that to allow them to do that, and I ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any question? Any further discussion? Seeing none, the question is, shall Senate Bill 948 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. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 948, having received the required constitutional majority, is declared passed. Senator Klemm, on Senate Bill 956. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 956.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President and Ladies and Gentlemen of the

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

Senate. As you obviously heard, there are numerous changes we made to the Election Code, but it's really changes that we had already talked about last Session when we passed similar legislation. And briefly, let me give you some of the provisions in this lengthy bill. We have that documents of the filing of the -- to the election authority has been clarified of when you can file them and when the last day of filing would be, to take care of the holidays. We restored the Cook County Circuit Court Committee, which is responsible for filling vacancies in the Cook County circuit court. We require any State or local political committee created within sixty days to file their organization within five days. We give the State Board of Elections a uniform sixty days to render final judgment, rather than the forty-two days now. Remove the requirements that electoral board in Cook County meet -- meet at the courthouse. Require election authorities to display instructions on the proper method to write in a candidate for office outside the voting booth. We shorten, by two days, the time frame for applying to vote absentee ballot, so that it would give the election authorities more time to process the applications and mail out ballots. And we allow -- permissive language would allow election authorities to count absentee ballots at a central county location. I'll be delighted to answer any of your questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Senator Lauzen.

SENATOR LAUZEN:

Just a question for the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Lauzen.

SENATOR LAUZEN:

Senator, how -- in our analysis, it says that this would end the practice of postmarking campaign finance documents. How do we

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

verify that we've sent our reports in on time?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

The date of delivery, you're talking about? The -- that -- we had -- I had asked that it be taken out and it was supposed to have been taken out of by Amendment No. 1. ... (microphone cutoff)... No. 1, it -- it did remove that provision, because I would not accept that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further -- Senator Welch.

SENATOR WELCH:

I had a question of Senator Klemm.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Welch.

SENATOR WELCH:

When you -- when you file a document by mail, the State Board of Election doesn't consider it received until they actually stamp it. Did you change that in this, or did you change it back?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

No, Senator, we kept it as existing law is now. We did not change that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Shaw.

SENATOR SHAW:

I just -- would you explain number six on this dealing with

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

absentee balloting -- absentee balloting? And what does this change in terms of the way we do it now, when you -- how does this change from the way we handle absentee ballots now?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Thank you. Just to clarify Senator Welch's question. The original legislation would have changed it. The amendment put it back to existing law, so there's no change in that. Senator Shaw, you asked about the absentee ballot. What it does is it shortens by two days the time frame for applying to vote by absentee mail, and the reason we did that is to give the election authorities more time to process these applications and get the absentee ballot out to those people that have requested it. We have found that the time frame was not a -- long enough for the election authorities in your county to be able to turn around the request for an absentee ballot. And many times, the voters were getting it after or the day of election or after the election, when they couldn't vote. So we needed those extra two days to assure that everybody would have their vote counted, and so this is the reason we made that minor change.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

Let's assume that the ballots get back after that two-day cutoff, in terms of the counting process that you have here. Would those ballots be counted, or -- or those absentee ballots would not be counted, under this bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Well actually, we -- we improve that situation because we've



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

got the mailed applications must reach the office of the election authority not less than seven days - which now it's five days - so that it would -- by the date of the election. So actually, we've -- we've, I think, improved that, to give the voters a better opportunity to have that cast. Did I answer the question? I'm not sure.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

Where would these absentee ballots be counted at? Are they done at the election authority or at the polling place?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

I'm sorry. Your analysis is a different form than mine, and I answered you in a different Section, so I apologize. This is permissive legislation, in this part of it, to count the absentee ballots. And what we're doing is allowing the tabulation to be done by special absentee voting panels, who would be appointed by the same manner as election judges. Poll watchers are -- are able to be there so you can see that it's being done. We're trying to speed the process but to be sure and guarantee that every vote is counted and cast for the person of their choice, you see.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

Further discussion? Senator Jacobs. Oh! Senator Shaw. All you have to do is put your light on.

SENATOR SHAW:

Okay. On the -- on the -- how would the -- is there any provision in here to notify the judges and interested parties of the date of the counting of these ballots, where that they could have watches?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Well, the counting of the ballots is after the polls are closed. So, I mean, that's when it's all done, and poll watchers are available, and that would be part of the process of just counting them. So they are covered that way.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Jacobs.

SENATOR JACOBS:

I think what you're doing is great. I -- I still have a concern, however. Though, as I understand it, the Statute on Statutes states that postmarks must be used to determine if an item meets the deadlines, unless another Act provides differently. Wouldn't we be better off to change that so there's a consistency here, rather than to allow the board to make decisions on an instant-by-instant basis? It appears to me that that would make the bill stronger, and that was the provision that you took out, Senator.

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

Senator Klemm.

SENATOR KLEMM:

Well, that question came up, and really, if we were to change that to a delivery date - and that's what was originally -- suggested, rather than a postmark date - we had a problem, in that rural counties, such as yours and mine, that we're not always accessible to the board of elections where they can be delivered. So we, many of us, have to mail our petitions and mail our items in. If you lived in Chicago and Springfield, it might not have been quite as -- as difficult to do. So, I didn't support the idea that it would have to be delivered by a certain date. I felt that if we continued to -- to mail it or deliver it, if you wish, by that -- by -- by whatever means you want to, meeting current law it would still solve those who live in rural areas and those who live in the cities.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Senator. However, there still is no consistency here. We mail it in; it's mailed in on time; it takes five to six days. Even though the postmark states that it was mailed in time and should have been delivered in time, sometimes it doesn't happen; that under certain provisions of this bill, that will be accepted. However, there are other provisions within the State Board of Election where they will not accept that deadline, and I think that the consistency would make this a much better bill. That's my only point. I'm not going to sit here and hammer it, but I think that still we have an inconsistency here that we could have taken care of very easily and just made it all postmark, as far as I'm concerned.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

SENATOR KLEMM:

Well, we just chose not to codify a practice that they're already doing, as you know, and that they're accepting. And I guess that's probably the difference. I found some problems with that for some of the rural ones, of a delivery date versus a postal date, and that's the only difference we may have.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

And I would concur that we don't want to codify current practice, but we really don't know what the current practice is. Because currently, we -- on some issues, they accept postmark, and on some issues, it has to be in hand. So we have not -- we still don't have a clear-cut delineation as to when a postmark is going to be accepted and when it's not.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Well, the State Board of Elections has assured me they will accept it under the provisions we talked about. I guess if you have a specific problem, you know, I'll be happy to work with you to address it, but it's not included in this bill for some reasons we thought about the equity between downstate and -- and, you know, suburban area. I understand your problems. There are some concerns about that. We think we've talked to the State Board of Elections to resolve that without the codification of it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

Just -- just to reiterate one point and -- and that's -- 'cause I'm going to give you a Yes vote on this. But I know that, as an example, my own county clerk, whenever he sent his report

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

into the State, it was postmarked properly, but they held him to be late because it wasn't delivered on time. So there is some inconsistencies in there. We would like to see it more uniform. We can work on that, and I don't have any problem.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Collins.

SENATOR COLLINS:

Senator, I guess my questions is still on the same line as Senator Jacobs, and -- and believe that you have not adequately, at least to my satisfaction, responded to that in the bill; although, I have no real objection to the overall bill here. And it's not just urban versus rural, because in the City of Chicago, I tell you, some time the mail is -- is -- is just, you know, I mean really, really bad. I can give you a good example. Every 27th of the month, I mail a lot of my bills, and to my surprise on the 13th, I went to draw some money out of my checking account and had all this money, and I said, "My God, what happened here?" And no bills - not a single bill - has been mailed or received, and I mailed all of my bills on the 27th of last month. So, we got to either go by the -- the postdate and -- and because you are amending the Statute and clarifying and -- and -- and bringing in the -- the provision for the rural areas, you -- you do need to clarify the existing law. That, in fact, the postmark date would be the date that we would have to go on, at least the legitimate date. So you do need to do that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Perhaps there's some confusion. The original bill did delete that provision of a postmark date, and did say it would have to be delivered on a day. I did not like that for the very reason that you may or may not have. So really the amendment still keeps a

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

postmark on the date of the filing, will continue to suffice to meet it. So, if you get it to the post office and they stamp it, and it takes seven days for the mail people to deliver it, you will still have filed on time because of the date it was stamped, not the time of delivery. And that was -- was a concern I had: the same thing you share with me. And I was looking at the rural area versus the city to be able to deliver it to a close facility of the election board, but in your case, you're -- even in Chicago, it's a difficult thing, and that's the reason I didn't want to make that change. So, I agree with you. The bill does cover that provision.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Like to ask the sponsor a question, if I may.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Demuzio.

SENATOR DEMUZIO:

Senator Klemm, there was a provision either in this original bill, or one that was added, providing for an alternative method for selecting State central committee members by some "Alternative B". Since none of us were -- had the opportunity to have a discussion with respect to that, perhaps you could explain that for me. What is the process now and what are we changing it to?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Well, let -- I hope this is the point you're raising, but it restores the Cook County Circuit Court Committee, which is responsible for filing <sic> vacancies for the Cook County Circuit Court. And it also clarifies that the ward and township committeemen make up -- make up the congressional committee for

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

purposes of filling vacancies in the central committee when the congressional district is located within Cook County. We did that one. Now let me look at the other one we did. Is -- is that the one you wanted? We restored what you and the other committee people wanted?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

Well, you just indicated to me that somehow or other that the provisions that you just read off only apply to the County of Cook. What I'm asking you is that if there is a vacancy in the State central committee, who makes the decision? Who casts the weighted vote? Is it now individual committeemen, or now are you making it to the respective county chairmen?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

This bill does not -- Senator Demuzio, this bill does not change current practice of how you're doing it now. We had a problem in Cook County. They came to us; they said they had this situation. We tried to accommodate them; we made this change for Cook County. There is no change that I'm aware of to current law.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

Yeah. What we are doing on the Democrat side, we got trouble enough now finding precinct committeemen and trouble enough trying to figure out what their duties are. What this bill does, it takes away the responsibility or the obligation or the duty of the elected committeemen - precinct committeemen in downstate, for example - to cast their weighted vote, to fill a vacancy on the State central committee. And now you are transferring this by

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

virtue of this "Alternative B" to the county chairman, who doesn't have to ask anybody for their input. And so, you know, I rise in opposition to this bill, and I -- and I think that it's not well thought out, and it's ill conceived. And we're trying to figure out what to do with committeemen, let alone take away their duties.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Madam President. I'd like to ask the sponsor a question.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Palmer.

SENATOR PALMER:

Thank you. Senator Klemm, I'm still concerned about how and -- well, actually, the process for counting absentee ballots. It says -- and I -- I heard you very clearly that this is permissive, but let me give you a scenario. And I'm a former ward committeeman, so I'm asking it out of that context. Now, you said that the absentee ballots can still be counted at the applicable polling place. Do these judges who are appointed by the election board come to that polling place? If they do not -- because at least at the polling place, you are likely to have the poll watchers. If they don't come to that place, then how are the absentee ballots handled and how are poll watchers to be available to watch when these ballots are counted? It seems to me it's a little cumbersome.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Apparently, one of the problems that was brought to us about that was there is no real way of determining if somebody has voted



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

by absentee ballot and then walks into the polling place and votes that day. And there was a concern about the two votes somehow, and they felt that this was the language, would allow them to count them at the central location to determine if, in fact, they have already voted before by absentee, and you didn't know that 'cause you sent that to the courthouse. So this was to clarify those counties that have that problem, or those election authorities, to be able to do that if it's a problem. You have to remember, and Senator Demuzio perhaps forgotten, this bill passed with the identical language, except for some modifications about the date, 52 to nothing in the Senate. You voted for it. Senator Demuzio voted for it. Everybody voted for it. We kept the same language that everybody wanted. It's -- maybe it's a different year and maybe we're getting closer to election day. I don't know.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Palmer.

SENATOR PALMER:

In general, I don't have any problem with the bill, and I'm certainly not looking at this as a -- a preelection bill. But I am concerned -- we do have a problem with absentee ballots and counting them, and so I'm concerned about that. But having had experience running election days, one of the reasons I'm asking this question is that we want -- if we're going to pass something, we want it to actually reform the process and not create other problems.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Madam President. A question of the sponsor, if I might.

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

Indicates he'll yield, Senator Carroll.

SENATOR CARROLL:

Senator Klemm, my concern deals with the issue of a separate set of judges for absentee ballots, and that the -- as I understand it, following up a question by, I believe it was, Senator Shaw, that no longer will we require that the absentee ballots be sent to the polling place. I have several problems with that, one of which is the problem that you've been debating. If the absentee ballot is in the polling place and the person shows up, you know what to do. If the absentee ballot is being kept somewhere else, there's going to be mass confusion. Secondly, you're going to have, I think, havoc with poll watchers if you're -- if you're taking the ballots somewhere else to count, rather than having them counted where there are already watchers who know whether or not that person still lives there, et cetera, voting in the polling place. And I -- I would oppose having the absentee ballots counted somewhere other than if they had actually showed up in person.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Well, let me -- let me try to answer that, Senator, if I may. The -- the reason we've -- the reason we've done this, and the reason we're making it permissive is that apparently absentee ballots, as you know, are sent to the county courthouse. Okay? They don't go to the precinct. Now, after -- after they're received by the county, the State's attorney's office normally delivers them to the precinct, and then they're counted there. So this means that they could go to the county courthouse where they're mailed to - the address. You could have election judges if you so desire to have that, and count those at that time without the process of taking them in a car, transferring them over to a

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

ward or a township election facility, where they've been voting in a polling place, so they would have to count them again. This allows a little bit of less handling of ballots going around the -- the county, I guess, and the election -- board of elections and others felt this was a -- a savings. It is permissive for those counties that feel that is a problem. We did not mandatory -- make it mandatory.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Carroll.

SENATOR CARROLL:

Thank you, Madam President. Senator Klemm, I admit I have no idea of how McHenry County works. I do, however, have some idea how the City of Chicago works. And that is not how it operates in Chicago. The ballots are sent out and returned to the Chicago Board of Election, who then sends them out to the polling place to be tabulated and then counted with the rest of the ballots from that locale at the polling place. The largest objection we get from people who work polling places and from candidates is when they do sometimes tally them downtown, which no one knows about, as opposed to having them delivered to the polling place where the judges can then tell whether or not that person has voted -- has attempted to vote twice. I believe that Chicago should be excluded from that and that in Chicago it should still be mandated that they go to the polling place.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Well -- well, the nice thing is that it's permissive, and Chicago could just simply say, "I don't want to participate; it's not a problem." But the ballots are delivered. Maybe -- maybe you don't use your State's attorney, but they are sent to the polling place to be counted at that time. And absentee ballots,

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

as you know, can be counted on the day of the election when it's received in the mail. And we've got the problem of bringing those back to the polling place. For those -- and this is the reason we did this permissive, Senator Carroll: For those jurisdictions that don't wish to follow 'cause they have no problem, you don't have to incorporate it. And those that do, feel they can. So, I think, that's -- that's what's answering our problem here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Carroll.

SENATOR CARROLL:

Thank you, Madam President. And, Senator Klemm, my problem is, I don't care what the board of election wants in the City of Chicago. I'm telling you what works. And as a practical matter, the people who go out and -- and find those who are going to be absent and get them an absentee ballot - wherever they're at in the world - are the ones who are working the election. And believe me, if they don't get credit for that ballot coming back to that polling place, they're not going to bother. And less and less people are going to be voting, because it's only when you have someone -- you or us have someone going out and saying to people, "Please come out and vote, or if you're going to be away, we'll get you an absentee ballot." And you know everyone wants credit for what they did. And their credit is at the polling place when the absentee ballot comes in and shows another seven people voted, then when it goes downtown, it just will not work. And I would be much more comfortable, and will only be comfortable, if the board does not have that option, 'cause we fight with them all the time about why didn't they get ballots back out to the polling place, why aren't they doing their job of getting them in in time, because those who go out and actually do the work want the credit for having done the work and feel that they are being abused by the system. And I don't want to do

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

anything that doesn't support those who are actually doing the work. And I think in our case, it makes a lot more sense in -- in Cook County that they be required up to a certain point of time during the day that if they receive them by that time, they must be sent to the polling place. I also think it stops more fraud if it's at the polling place, where the judges have the book there and know whether or not that person actually walked in and voted or somebody claiming to be that person walked in and voted, and you've also got an absentee ballot. So I think you ought to take out Cook. I think -- I would not give that discretion, by the way, in Cook.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Senator Klemm, to close.

SENATOR KLEMM:

Yeah. Senator Carroll, I -- I've taken note of -- of your concerns and the others. As you know, those ballots that are counted in that central location are credited to that precinct -- it's credited to the poll, because it would be charge of that, as I understand it. But however, I've taken note of your point and I understand that, and perhaps we can address that as it goes to the House to take out or look at Cook County with the State Board of Elections, so we can tighten that up, if you will. But I think the provisions that we have in here, Madam President, are -- are good provisions. I think they've met all the requirements that everybody who's come to me have asked for, and the ones that have been addressed last year. As you know, we did unanimously pass this. There are some concerns, and I know we can address that and I'll work with anybody to do that. But I do ask your support to pass Senate Bill 956. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Carroll, for what purpose do you rise?

SENATOR CARROLL:

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

I guess it would be personal privilege, since the name was mentioned. I -- I did not realize he was closing; I thought he was still answering the question.

PRESIDING OFFICER: (SENATOR DONAHUE)

Okay.

SENATOR CARROLL:

Merely to say, it does not come back to the precinct; they never get credit for it. Neither does any ward or anything else. They're counted downtown and bunched, and so that the precinct never knows if those people were ever returned, or voted, or not. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Question is, shall Senate Bill 956 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? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 23 Nays, 3 voting Present. Senate Bill 956, having received the required constitutional majority, is declared passed. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Well, let's see if they're all here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio has -- is seeking a verification of the roll call. So will all the Senators please be in their seats, and, Madam Secretary, read the affirmative votes.

ACTING SECRETARY HAWKER:

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

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio, the -- question the presence of any Member voting in the affirmative?

SENATOR DEMUZIO:

Senator Walsh?

PRESIDING OFFICER: (SENATOR DONAHUE)

Is Senator Walsh -- he's in the back of the room in his seat.

SENATOR DEMUZIO:

Senator Lauzen?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen is in his seat.

SENATOR DEMUZIO:

Senator Cronin?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin is back by Senator Philip.

SENATOR DEMUZIO:

Senator Dudycz?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz on the Floor? He's right back here by the well.

SENATOR DEMUZIO:

Well, it's a wonder. He didn't come to Rules. Senator Burzynski here?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Burzynski. He's back by his seat.

SENATOR DEMUZIO:

Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

On a verified roll call, there are 31 Ayes, 23 Nays, and 3 voting in -- 3 voting Present. Senate Bill 956, having received the required constitutional majority, is declared passed. Committee Reports.

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

SECRETARY HARRY:

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Bills 3, 511, 580, 599, 600, 602, 721, 741, 812, 857, 891, 893, 896, 897, 996 and 1187 Do Pass; and Senate Bills 14, 81, 240, 270, 312, 317, 332, 344, 415, 427, 628, 691, 747, 787, 833, 838, 868, 895, 954, 1025, 1028, 1038, 1089, 1140 and 1173 Do Pass, as Amended; and Senate Amendment 2 to Senate Bill 640 Be Approved for Consideration.

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned to committees: referred to the Committee on Education - Senate Amendment 1 to Senate Bill 782; to the Committee on Environment and Energy - Senate Amendment 3 to Senate Bill 182, and Senate Amendments 1 and 2 to Senate Bill 276; to the Committee on Executive - Senate Amendment 2 to Senate Bill 772, and Amendment 1 to Senate Bill 830; to the Committee on Insurance, Pensions and Licensed Activities - Senate Amendment 3 to Senate Bill 506; to the Committee on Public Health and Welfare - Senate Amendment 2 to Senate Bill 1095; and Be Approved for Consideration - Senate Amendment 1 to Senate Bill 626, and Senate Amendment 1 to Senate Bill 1152.

PRESIDING OFFICER: (SENATOR DONAHUE)

Messages.

SECRETARY HARRY:

Message from the Minority Leader.

Dear Mr. Secretary - I am pleased to appoint Senator Bruce Farley to serve as a Member of the Executive Committee. This appointment takes effect immediately.

Filed within the hour.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will all Members please be in their seats. Senator Karpziel.

SENATOR KARPIEL:



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

Thank you, Madam President. I rise just for the purpose of an announcement; that the Senate Executive Committee will commence immediately following adjournment.

PRESIDING OFFICER: (SENATOR DONAHUE)

This is the time for those types of announcements. So, before we get to our death resolution, anyone else having an announcement to make? All right. Will all our Members please be in the seats. Will the staff please retire to the gallery, and will the doormen please secure the doors. Senator Jones moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Resolution 49. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Please -- read the resolution, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Resolution 49, offered by Senator Jones, Minority Leader of the Senate; Senator Philip, President of the Senate; and Senator O'Daniel and all -- all Senators.

(Secretary reads SR No. 49)

Adopted by the Senate, April 19, 1995.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President. And, Kenneth, Jr., and -- and Mary, and Mark and Annette, we welcome you to our Chamber and the former home of your father for -- for a long period of time. The resolution mentioned that Kenny Hall was a true gentleman, and we all know that. He certainly was. And he's a proud member of the Democrat Party and that's certainly to his credit. But even though he was a partisan, his door was always open to us on this side of the aisle, and especially to me. He was a very close friend of mine and we worked closely together, for the betterment of all of Southwestern Illinois. He -- it -- it pained him

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

greatly that the problems that -- that his home community has had to endure over the last several years - many years, for that matter - and -- and he -- he worked hard for those people in East St. Louis who -- who have many, many problems, and it did pain him dearly to try to deal with that. But -- but we worked together - all of us - and -- and many times in a very bipartisan manner, to try to uplift and give opportunity and hope for a community that's had many problems. I understand his wife is still ill, and we certainly want you to send our best wishes to your mother, and -- and your mother-in-law and wish her well. But Kenny, as it said, was a true gentleman and we all recognize that, and he definitely will be missed in this process. And thank you, Madam Chairman.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Madam President, Members of the -- the Senate. I really appreciate the privilege of expressing my feelings about my dear departed friend, Senator Kenny Hall. You know, he was almost like family to me. He and I were seatmates for some ten years, had adjoining offices. I never had a function in my district that he wasn't there to support me, even attending my daughter's wedding. He was a very personal friend of -- of mine. He dearly loved this Chamber and every Member in it. And regardless of whether you voted with Kenny or not, he had the highest regards and the highest respect for every Member in this -- this General Assembly. He -- he was a man blessed with common sense and a wonderful sense of humor, and strong work ethic, and a genuine desire to help the less fortunate among us. I had the good fortune of having Kenny Hall as, as I said, my office mate and seatmate for -- for many years, and I can't count the number of times he brightened my day by simply sticking his head in the door and saying, "O'Daniel, what's going on?" We would come to the

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

Floor, and if there's one thing that disturbed the Senator, it was when the Members weren't present. He was always here on time and he'd say, "Let's go up", and he would -- he would always be here, and it really disturbed him that the Members wouldn't -- wouldn't be on the Floor when he felt like they should. He would reminisce with me and tell me about all of his great friends here. He served many years with President Philip, Rock, Hynes, Bill Harris, Partee, and he really cherished those memories. I can't say enough things about Kenny, but he believed government was good. He felt that people in government were there to provide a service, not create the people a problem. And he never forgot where he came from. He cared about the poor people, the working people, his neighbors and his district. And he always understood, you know. He would talk to me and say: "We can't vote the same all the time, but you have to represent your people. You know how to represent them; I know how to represent mine." So, regardless of whether you voted with him or not, he always understood and he was always considerate and -- and was a total gentleman. You know, he lived as -- as good a life as any citizen can live, 'cause he never forgot the things that -- that are really and truly important: faith, family, friends. And you know, he dearly loved his -- his family, his four sons, their families, his wife. The last several months he worried a lot about his son, Tom, who's had health problems, and his -- and his wife. Probably, you know, one of the most caring people, and he was very proud of his grandchildren. He talked to me about his earlier years when he worked as a conductor on the railroad, with the passenger trains going coast to coast, and being a deputy sheriff, and things of this nature. And when Norma and I were going from the cathedral to the cemetery, I told her, I said, "Well, Senator Sam's up there also, and right now they're probably discussing seniority." Senator Sam always said, "Now you remember, Kenny, I got a little

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

seniority on you", and he's probably telling Kenny that, "I've got a little seniority on you now; I've been up here longer than you have." But they were two giants in this Chamber and I was really honored to -- to have been friends of both of them, and -- and Kenny Hall is -- was very dear to me and -- and I think, you know, as -- as a result of us knowing Kenny Hall, I think that all of us are better people for the time he -- he spent with us, and I'll miss him a lot. He was very dear to me. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President, members of the Hall family, Ladies and Gentlemen. When I first was seated in this Body in January of 1979, one of the first people to come over to my desk and welcome me was Senator Kenny Hall. And he had mixed reasons for doing that because, you see, my successor was Senator Harber Hall of Bloomington. And the two of them had a great relationship down here, both in the House and in the Senate. And there was the confusion always between the two Senator Halls. And Kenny told me, "There will no longer be any confusion, because I'm the only Senator Hall in this Body." And from that day, grew a tremendous relationship, and especially after I became a Member of the Appropriations Committee Leadership. I, as a Minority Spokesman, Kenny as Chairman of the Committee. Kenny taught me a lot. He taught me to have compassion, to care about those who are less fortunate than we are. And I think he shared that concern with everyone as he walked the halls of this beautiful building. I can recall three or four occasions when Kenny Hall came to my office. The last time was a particularly difficult time for him, and it was about 6:15 in the evening, and he just wanted to sit and talk. And we talked about a number of things. But an important part of Kenny's life, as Senator O'Daniel has mentioned,

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

was his time on the railroad. And he knew that my father was also a conductor, and he loved to share those stories about riding the rail, and they were very interesting. Kenny Hall was a dear and close friend of mine as well, and indeed, this State, his community, we are all better people for having Kenny Hall with us. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Thank you, Madam President. Members of the family and fellow Senators, I was fortunate to serve as the Vice Chairman of the Appropriations Committee, when Senator Hall was Chairman of that Committee for some ten years. And during that time, he was an outstanding Chairman. He never missed a meeting, so as Vice Chairman, I didn't have much to do. He was always there in charge of the meeting and he sat through, as those of you on the Appropriation Committees know, very lengthy meetings. But Senator Hall always enjoyed them. He enjoyed fellowship in this Senate. And he was really a living reminder of all of our heritage here in the State of Illinois. He would tell us stories about how, when he came down here, he had to stay in separate hotels; he couldn't stay with the white Members. About how they had -- they didn't have offices; they had to sit at their desks and do their -- their work at their Senate desks. He had all kinds of stories that told us about what it used to be like to be in the Senate and be in the State of Illinois when there was still segregation, which many of us newer Members never felt. But Kenny Hall loved this place so much, and loved the committee so much, he -- he was a lot of fun. I know that in my first year down here, he gave me a nickname. He called me "The Blade". I had gotten into an argument with Senator Buzbee, I think, about something and he thought I was -- gave some rather cutting remarks, so he would always refer to me as "The

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

Blade". Not Senator Blade, but "The Blade". And other times, of course, he'd refer to me as Senator Luft, when he got me confused with Dick. So, but I'd -- so I'd just respond to either one. But -- but, what I remember most is, when I would sit in the front row for the first few years I was down here, and Senator Hall each year had a standard statement that he would make. Whenever he had an appropriation amendment adding more money to the DCFS budget or the welfare budget, he would stand up and excoriate those who opposed it. And what he would always say would be: "All of you who stand up here opposing this, stand up and you salute the flag, and you go to bed wearing red, white and blue pajamas, and then you show up here and you vote against clothing the naked and feeding the hungry. I don't know how you can live with yourself." And he would say that each year with a -- with a great deal of feeling and -- and obviously it's something that I remember very well that -- that he would do. He always wanted to be remembered as the "Dean of the Senate", and he will be remembered that way. He was a -- a great Senator. I'm glad that I had the opportunity to know him, and those of us who -- who worked with him were very fortunate. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Carroll.

SENATOR CARROLL:

Thank you, Madam President and Members of the Senate. To the Hall family and my colleagues, I had the unique pleasure and probably distinction of serving many years with him as one of the Chairmen of Appropriations, working with Senator Maitland and other Members of the Republican side, who were then the Minority Spokesmen. And as Senator O'Daniel so well said, we got to know him as a person. And he was a very unique, unique individual. He talked in terms of, yes, what he learned riding the rails, and very honestly, he always said that's why the committee started on

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

time. He was used to having that pocket watch there and said, "You come and go by the watch and that's it." He was the Member who was here whenever Session started. He was the Member who was at committee whenever committee was supposed to start. But he had that unique talent that -- that not only sense of humor and sense of humility, but that sense that the other Members have spoken about of -- of the common person. Yes, that true love of East St. Louis and -- and that true concern, as Senator Maitland pointed out, of the problems it was facing during his lifetime. But, I think, more than that, he had a sense of Illinois. And he and his colleague, Sam, who did go before him and is now probably, Bill, still showing him the ropes, represented an era of Illinois that we will never see again and an era of people who served in the Senate, who spoke from the heart and -- and represented people well, that probably we will never see again. I think we are all privileged to have been here when he walked our way, and the State will sorely miss that wisdom, that humor, that sense of compassion, and I will personally miss the way he used to always say, "Howie, what are we going to do now?" Thank you, Mr. President -- Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

Thank you, to the Hall family and to -- Ladies and Gentlemen, my fellow colleagues of the Senate. I had the distinct pleasure of meeting Senator Hall, I guess, about twenty-five years ago. And from the very beginning, Kenny is one of these people that once you meet him, he's not going to allow you to be a stranger. So, I think every one of us in here who've known Kenny can say that Kenny was truly a friend. But Kenny Hall is probably -- and we're going to all miss him, but I think I'm going to miss him probably for another reason, you know, his sense of humor and all

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

of the other things -- it's true that I'll miss him for that too. But Kenny Hall really is about the kind of person that he was and how he felt about this Senate, you know. The reason he was in committee on time and the reason he was here on the Floor on time, because he took great pride in being a Senator. He felt honored that the people of his district repeatedly elected him over and over and over. That was his great humility that I think that he exemplified here. He -- he gave all that he had to give to -- to whatever assignment that -- that Kenny was given to. And I can recall when I first came, he was always willing to -- to talk with and take time out and cheer you up, to any freshman Senator that came here. And -- and I can recall during the days when Senator Soper was over there, and Senator Shapiro, and Harber Hall and all of the people that -- that -- that Kenny Hall -- the Republicans on the other side would basically vote against all of Kenny's bills. But Kenny never took it personal. You know, he understood the difference between politics and -- and -- and the feeling of -- of one's own personal feelings about what is going on -- what they want to accomplish as individuals, or even for their district. And so, he didn't ever -- he didn't ever lose friendship, but he gave his word. He always stood by his word. He's really becoming -- his breed and his character of legislator is -- unfortunately it's becoming an endangered species not just in the city -- I mean, in -- in -- in Illinois, but around the country. We cannot find the kind of dedicated people as Kenny Hall was serving in any of these bodies, for any number of reasons. Things have changed. The kind of compassion that he had for all people, it transcend party lines; it transcends racial -- racial and social lines. He was just about loving and caring about people, and that's what made Kenny Hall so unique: his great compassion for the humanity of man. We're going to all miss Kenny Hall. And I most certainly will miss him. But I think we all



STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

will be better. Especially those of us who's listened to the history that he's told us and talked about so many years will be better legislators, because we've known Kenny Hall.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President, Members of the Senate and especially the Hall family. All of us are proud of our friendship and relationship with Kenny Hall. I -- I think probably, for me, the proudest part came toward the end when, with his encouragement and -- and the support of Senator Jones, I tried to follow - tried to only follow - in his shoes as the Minority Spokesperson for the Senate Appropriations Committee. But when I think of Kenny, I think of the first time that I had the opportunity and honor to campaign with him, was all the way back in 1972. At that point, I was still a student at SIU and we were campaigning during the fall of '72 down at East -- St. Mary's Hospital, where an -- an added wing was taking place. I think it's in East St. Louis. I know, Senator Watson knows where it is exactly. But the last time I campaigned with him was in the fall many years later; it was this last fall. And it was a Sunday, in late October, where I had the distinct privilege and -- and honor to join him on a trip of touring many of the churches in -- in his district. And as we went from church to church, you couldn't figure out which church was Kenny Hall's because he was greeted at every church as though it was his own, and the ministers who -- who knew him treated him as though he was their parishioner. He stood up and introduced me, and as he introduced me, he did something that anybody who knew Kenny Hall was not surprised: He started off with a prayer. He -- he prayed in the church, as he prayed here in the Senate, and I'm certain in the privacy of his own home. And anybody who knew me, knew that I could certainly use the prayers, and

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

certainly our campaign could use the prayers as well. But as we continued throughout the churches, we finally arrived at -- at his church, the Catholic church, the final church that we visited that day, and as we entered, it was almost at the end of the service, but the priest toward the end of the service not only welcomed him boldly and with open arms and a warm heart, but he told the members of the congregation that with Kenny Hall was -- was an individual who never forgot why he began, and who was always there to lend a helping hand to anybody who needed it. But he said, and I remember, the priest said he expected that Kenny even helped the angels. And as I sat there listening to that quiet chuckle that many of us had heard from Kenny over the years, I thought of how Kenny exemplified the words of John Kennedy, so long ago, that Gods work on earth must truly be our own. Apparently, God needed a little more help in the heavens, and today we gather as we remember our friend, and may our dear friend rest in peace.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Madam President and Ladies Gentlemen of the Senate, the Hall family. When I first came here to the Senate over twenty years ago, Senator Hall said to me, "You need to get to know me real good and fast, because I intend to retire." Well that was in 1975. And Senator Hall did what I think he wanted to do, and that is that he went to his Maker as a Member of the Illinois General Assembly, the Illinois Senate. All of us were concerned when Senator Hall was hospitalized this last time, but we drew strength from his incredible determination, from his incredible dedication, to live and to serve the members and constituents from his district. Many of us knew that Kenny had been ill for some time, but he was here every day, he was in that seat, he was on time. He was always greeting all of us very warmly with his

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

engaging smile and always with a joke or two, even when he wasn't feeling good himself. And one thing I can remember over the twenty years, that Ken always enjoyed leading the Senate in our opening prayer, when a member of the clergy was unavailable to be with us. Yes, he was proud of his religion without question. Kenny was always also proud of his accomplishments, and he's received countless plaques and awards, but he was always concerned for those who were less fortunate. As we say farewell to you, our friend, I am sure that you are at the right hand of our Creator. We shall always be grateful for having known Ken Hall. And, Kenny, I know you're listening today. We will always love you. We will always miss you, but we will always remember you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

All of us in this Body have served our entire career with Senator Hall. And I served my entire career on the Audit Commission with Senator Hall. A truly amazing man who could be disappointed, but not be vindictive. He could disagree without being hateful. He never carried a grudge. Always had a smile. Always had a joke and a story to tell. I remember one story in which he told me how he had - and everybody thought the South was the area of discrimination - how he pulled up to a club up in the northwest suburbs with another Senator and drove his car up and the doorman told him where the chauffeur ought to park the car, 'cause he thought Senator Hall was the Senator's chauffeur. And he would laugh about it. Now, how many of us would have an encounter like that and then laugh it off with a smile? It showed that sense of character that the man had. I know I've stood across this aisle, and I love to cook and every once in a while I'd bring some of the leftovers, and I'd run them over to Senator Hall. And he told me one day, he said, "You know, my man", he

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

said, "you are fast approaching the goodness of soul food." And I reminded him that Italians had soul food, as well. I think one of the things I want to say, and I normally don't like to get up on these occasions, but as we trace the history of where we have come, there are names that are mentioned who are mileposts in movements. Senator Hall served down here, was never really credited with -- with being an outstanding leader in the Civil Rights Movement. But in his own way, quietly and effectively, with the strength of his personality and his concern, he did more to promote relations than any, single person I've ever seen, from either side of the spectrum. He is gone from this Chamber, but I can truthfully say that his shadow will stay here for a very, very long time. And I think when our turn comes to leave, that hopefully we can have the words said about us that were said about Senator Hall. Truly a great person.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Madam President, the Senate and the Hall family. I guess I knew Senator Hall -- excuse me -- a little different from everyone in here, other than his family. I have always known Senator Hall as Senator Hall, growing up as a young -- as a little boy in the City of East St. Louis, and there was a elementary school that I went to by the name of Paul Lawrence Dunbar. And Senator Hall used to come to what was called the May Festival, and I always looked at Senator Hall and admired and wondered how can a man, or as a young boy then, achieve such status, achieve such respect that he received. During the time that I was going through college, going through law school, East St. Louis was going through some very difficult times. There was a flood in '86; trash was not being collected. There were problems economically; the city was in great chaos. I can remember talking

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

to Senator Hall and other leaders from the area at that time. And basically, the source or response that I received was that if the resources that go away don't come back to make a difference, then this place will never change. So, Senator Hall, as well as numerous other individuals, influenced me to come back to the City of East St. Louis and to try to make a difference. Even after then, even after the time in which I came back, there were a lot of issues that came up regarding the City, and a lot of people didn't understand the stance that Senator Hall took a lot of times. He took some stuff -- tough stances involving the City; however, he was doing it for the best interests of his district, and not just the City of East St. Louis. He met challenges head-on. And it reminds me of a quote by the Reverend Dr. Martin Luther King, and I think it fits Senator Hall perfectly, that the ultimate measure of a man or woman is not where he or she stands at times of comfort and convenience, but where he or she stands at times of challenge and controversy. Senator Hall was a mentor of mine, and he will always remain a mentor of mine. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate and the wonderful Hall family. You're probably not aware, but I served longer with Senator Hall than anybody in either Chamber. And I'm trying to remember the first time that we met. And it was in 1966. It was down, I think, Monticello, Illinois, or Montitello <sic>, Illinois at a freshmen Members' meeting, to teach us about the General Assembly and the legislative process. And I was going goose hunting, so I had goose hunting clothes with me and my shotgun and various other things. And believe it or not in those days, we had kind of a barracks arrangement, where the freshman Member would come in, and we'd just pick a cot in this barracks

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

and as -- we spent the two days and tried to learn. And I was very fortunate because my barracks mate was Kenny Hall. He had the cot right next to me. I had not met Kenny before that; I didn't know him. We became very good friends. We talked a lot and we enjoyed each other's company. We served in the Illinois House for eight years together, and then we both got lucky and got elected to the Senate and came over here to the Senate. And, of course, we -- he and I have served together here in the Senate for twenty-one years. So that's been twenty-nine years that I have been his friend, his associate. We've had our ups; we've had our downs. Kenny Hall was always a gentleman, always had a great attitude. If I would say anything about Kenny Hall, he had a great attitude and a great sense of humor. He's been a friend of all of us. I think we've all learned and benefitted from Kenny Hall. And I know today, he's up there looking down on us with a big smile on his face, 'cause, Kenny, we're going to miss you, and most of all, we're going to remember you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

SENATOR JONES:

Thank you, Madam President. To the Hall family and my colleagues here in the Senate, I concur with all that has been said about our esteemed colleague, our Democratic Caucus Chair. Kenny Hall was a great man, very unique. I recall twenty-three years ago when I first met Kenny Hall. Having been elected from Chicago, I came to Springfield, elected to the House - when I first met Pate Philip - and Kenny Hall came over and introduced himself to me. I said, "I'm so glad to see you." I said, "What part of Chicago do you come from?" He said, "Wait a minute now. I'm from the land of milk and honey. I'll vote with you sometime, but I'm a downstater." "You see, I want you always to remember that", he told me. He was the type of person when I looked at his

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

district -- and we'd go through these battles every year to see how the lines are going to be drawn. When I looked at his district, he was elected from a district that was overwhelmingly a majority white district and got reelected year after year with hardly no challenge. I said, "This is a very unique individual", because everybody like Kenny Hall. In this Chamber, we've had our ups and downs between Democrats and Republicans, partisanship. But I know when he chaired the Appropriation Committee, even though he disagreed with some of the amendments and proposals, he did it in such a way that you did not become offended and you respected him. And that's why we all care so much about Kenny Hall. I had an opportunity to visit the Holy Land with Kenny. He was a Catholic; he believed deeply in his religion. And when we were in Bethlehem, the birthplace of Christ, and Kenny would tell me year after year, he would say to me, "You know, that was one of the greatest trips that I've ever had, is to go to the Holy Land." He was always teasing me about my riding the camel, and it was a guy who had on a -- some sort of outfit, and I thought he was from Israel. Come to find out, Kenny said, "No, that guy is from Chicago", you know. That's right. But he had -- he had his nicknames, he -- I'm glad to know that he named our colleague "The Blade", I wondered where that name came from, you know. But he was very unique in that even though he was in minority, he never complained. He -- he recognized -- he realized that one day he'd be back in the majority again, with the help of our esteemed colleagues on the other side. But he constantly reminded us that the duty of government - he said it time and time again, and Senator Welch alluded to it - to feed the hungry, to clothe the naked, and house the homeless. And those issues are still with us today. The family should be very proud of Senator Hall. I've served, as many of us have served, with many, many Members, some who have retired, some who have gone on, but I never heard one

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

34th Legislative Day

April 19, 1995

Member say anything negative regarding Senator Hall, because he was that kind of person that you loved, because of his personality, because of his caring and because he truly believed in this institution, all Members, whether they're upstate, downstate, Republicans or Democrats. So we're going to miss you, Kenny, good old Caucus Chair. I know you're up there with Sam, seeing who served the longest in this Body. But the people of your district, the people of Illinois, those of us who serve in this Chamber are much better off because Kenny did serve.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones has moved the adoption of Senate Resolution 49. All those in favor of this resolution, please rise. ...(microphone cutoff)...stands adjourned until noon, Thursday, April 20th.



DAILY TRANSCRIPTION OF DEBATE INDEX

APRIL 19, 1995

HB-0956	FIRST READING	PAGE	2
HB-1246	FIRST READING	PAGE	2
HB-1473	FIRST READING	PAGE	2
HB-1474	FIRST READING	PAGE	2
HB-1969	FIRST READING	PAGE	2
SB-0448	SECOND READING	PAGE	3
SB-0459	SECOND READING	PAGE	4
SB-0501	SECOND READING	PAGE	14
SB-0502	SECOND READING	PAGE	15
SB-0503	SECOND READING	PAGE	15
SB-0504	SECOND READING	PAGE	15
SB-0505	SECOND READING	PAGE	16
SB-0506	SECOND READING	PAGE	4
SB-0543	SECOND READING	PAGE	5
SB-0584	SECOND READING	PAGE	6
SB-0679	SECOND READING	PAGE	6
SB-0700	SECOND READING	PAGE	7
SB-0718	SECOND READING	PAGE	7
SB-0728	SECOND READING	PAGE	8
SB-0749	SECOND READING	PAGE	8
SB-0761	SECOND READING	PAGE	8
SB-0763	THIRD READING	PAGE	18
SB-0774	THIRD READING	PAGE	19
SB-0777	SECOND READING	PAGE	8
SB-0793	SECOND READING	PAGE	9
SB-0804	THIRD READING	PAGE	21
SB-0808	SECOND READING	PAGE	9
SB-0810	THIRD READING	PAGE	22
SB-0811	THIRD READING	PAGE	23
SB-0831	THIRD READING	PAGE	24
SB-0832	SECOND READING	PAGE	9
SB-0843	SECOND READING	PAGE	9
SB-0846	THIRD READING	PAGE	25
SB-0864	THIRD READING	PAGE	25
SB-0869	THIRD READING	PAGE	32
SB-0885	SECOND READING	PAGE	10
SB-0905	THIRD READING	PAGE	34
SB-0910	THIRD READING	PAGE	34
SB-0943	THIRD READING	PAGE	36
SB-0948	THIRD READING	PAGE	36
SB-0951	SECOND READING	PAGE	10
SB-0956	THIRD READING	PAGE	37
SB-0991	SECOND READING	PAGE	11
SB-1019	SECOND READING	PAGE	12
SB-1033	SECOND READING	PAGE	12
SB-1100	SECOND READING	PAGE	12
SB-1106	SECOND READING	PAGE	13
SB-1107	SECOND READING	PAGE	13
SB-1129	SECOND READING	PAGE	13
SB-1205	SECOND READING	PAGE	14
SR-0049	ADOPTED	PAGE	72
SR-0049	RESOLUTION OFFERED	PAGE	57

SUBJECT MATTER

SENATE TO ORDER-PRESIDENT PHILIP	PAGE	1
PRAYER-FATHER KURT OHLSEN	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
JOURNAL-POSTPONED	PAGE	1
COMMITTEE REPORTS	PAGE	1
MESSAGE FROM THE HOUSE	PAGE	2
INTRODUCTION OF GUESTS-SENATOR MAITLAND	PAGE	13
GUEST SPEAKER-COACH CAL HUBBARD-U-HIGH, NORMAL	PAGE	13
HOLOCAUST COMMEMORATION-SENATOR BERMAN	PAGE	16

REPORT: TIFLDAY  
PAGE: 002

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
SENATE  
DAILY TRANSCRIPTION OF DEBATE INDEX

96/09/11  
16:18:36

APRIL 19, 1995

SUBJECT MATTER

COMMITTEE REPORTS	PAGE	55
MESSAGE FROM THE MINORITY LEADER	PAGE	56
REMARKS-TRIBUTE TO SENATOR HALL	PAGE	57
ADJOURNMENT	PAGE	72