

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

37th Legislative Day

April 25, 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 Henry Schmidt, Little Flower Church, Springfield, Illinois. Father Schmidt.

FATHER HENRY SCHMIDT:

(Prayer by Father Henry Schmidt)

PRESIDENT PHILIP:

Will you please rise for the Pledge of -- of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Tuesday, April 18th; Wednesday, April 19th; Thursday, April 20th; and Monday, April 24th, in the year 1995, be postponed pending arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Butler moves to postpone the reading and the approval of the Journals, pending the arrival of the printed transcripts. There being no objection, so ordered. Messages 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 90, 241, 315, 412, 438, 679, 901, 929, 1002 and 1237.

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All passed the House, April 24th, 1995.

PRESIDENT PHILIP:

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 16, offered by Senator Cronin.

(Secretary reads title of bill)

House Bill 122 is presented by Senator Hasara.

(Secretary reads title of bill)

House Bill 370, Senator Sieben.

(Secretary reads title of bill)

Senator Farley offers House Bill 613.

(Secretary reads title of bill)

House Bill 797, offered by Senator Berman.

(Secretary reads title of bill)

Senator Sieben offers House Bill 988.

(Secretary reads title of bill)

House Bill 1140, Senator Walsh.

(Secretary reads title of bill)

House Bill 1319, presented by Senator Weaver.

(Secretary reads title of bill)

House Bill 1458, offered by Senator Cronin.

(Secretary reads title of bill)

House Bill 1490, offered by Senators Sieben and Woodyard.

(Secretary reads title of bill)

Senate <sic> Bill 1530, by Senator Sieben.

(Secretary reads title of bill)

Senator Sieben offers House Bill 1633.

(Secretary reads title of bill)

House Bill 1721, by Senator Berman.

(Secretary reads title of bill)

House Bill 1719 <sic> (1790), by Senator Berman.

(Secretary reads title of bill)

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House Bill 1882 is offered by Senator Walsh.

(Secretary reads title of bill)

Senator Hasara offers House Bill 1910.

(Secretary reads title of bill)

House Bill 1968, Senator Berman.

(Secretary reads title of bill)

House Bill 2226, by Senator Cronin.

(Secretary reads title of bill)

Senator Cronin offers House Bill 2236.

(Secretary reads title of bill)

And House Bill 2334, presented by Senator Butler.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT PHILIP:

Page 2 on today's Calendar on the Order of Senate Bills 2nd Readings. I'd advise the Members to -- to move their bills. Senate Bill 57. Senator del Valle. Senator del Valle. Senate Bill -- read the bill. Yeah. There's a fiscal note on that, Senator del Valle. Take it out of the record. Senate Bill 81. Senator Petka. Senate Bill 81. Senator Petka. Take it out of the record. Senate Bill 100. Senator Dudycz. Read the bill.

SECRETARY HARRY:

Senate Bill 100.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance, Pensions and Licensed Activities adopted Amendment No. 1.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

Amendment No. 4, offered by Senator Dudycz.

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Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. As -- as was briefly mentioned by myself yesterday, Amendment No. 4 became the bill. It amend -- it amends the Chicago Firefighters Article of the Pension Code to the -- to allow the resumption of certain widows' annuities. For certain annuitants born before January 1, it provides for a three-percent automatic annual increase retirement annuities, removes thirty-percent maximum, makes the automatic annual increase begin to accrue at age fifty-five rather than sixty. In addition to everything else I said yesterday, it permits the repurchase of previously refunded service credit at four-percent compounded interest until the year 2000. This window of opportunity previously closed in 1992. Also allowed the paramedics to establish service credit into the Firemen's Fund for time served under Municipal Fund. Provided for calculation of interest depending upon the -- when application is made. And added language permitting paramedics to purchase time from 1970 to 1983 when they were employees of the City of Chicago, but were not members of any pension system. In deference to the Minority Leader, who asked that I pull it out of the record yesterday, I did so. Senator Raica, who has been working closely with the Pension Board, the -- the City of Chicago, and Local 2 of the Firefighters is here with us this morning to go into detail if anybody has any questions on the amendment. And otherwise I would seek your support.

PRESIDENT PHILIP:

Are there any questions? Senator Jones, for what purpose do you rise?

SENATOR JONES:

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

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He indicates he'll yield. Senator Jones.

SENATOR JONES:

Senator Dudycz, as it relate to the interest on repayment, now, under current law, the interest would be three million three hundred thousand dollars that they would have to pay, under current law. With this amendment, that you are proposing, what would the savings be to the -- the -- the participants? How much money would they be -- be permitted not to pay into the pension system if this amendment was -- was adopted?

PRESIDENT PHILIP:

Senator Dudycz.

SENATOR DUDYCYZ:

I guess it depends on the individual case, Senator Jones, depending on how long each one has been on and how much he is participating in or adding into. His salary is a factor also. So, I -- I couldn't answer that question.

PRESIDENT PHILIP:

Senator Jones.

SENATOR JONES:

Well, you had to arrive at some figure or projected figure. And I think the Body should know that. You have a cutoff date of 1989. If it were not for that cutoff date and it -- and it was 1995, how many millions of dollars would the pension system lose as result of this amendment?

PRESIDENT PHILIP:

Senator Dudycz.

SENATOR DUDYCYZ:

Senator Jones, I don't know if I can answer your question. It's my understand that this is an agreement that has been reached between the City of Chicago, the Firefighters Union and the participants in the -- in the system.

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Senator Jones.

SENATOR JONES:

Well, I won't belabor the point because the amendment will go on, this is the bill, but we'll debate it on 3rd Reading. But I think the Body should know, when you're talking about pension systems and you're talking about persons paying into, I don't think the public will want individuals getting a free ride and cheating the system out of something that they cannot get, and it runs into millions of dollars that we are giving away to a group of individuals. So -- so, this amendment will go on no doubt. But on 3rd reading, I think this issue should be debated, and debated very thoroughly.

PRESIDENT PHILIP:

Senator Palmer, for what purpose do you rise?

SENATOR PALMER:

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

PRESIDENT PHILIP:

Sponsor indicates he will.

SENATOR PALMER:

Senator Raica, I received probably the most letters on this bill that I've received on any number of them, opposition from retired firemen who are concerned that by buying -- the paramedics not adhering to the court case. That's their concern. And I'm just wondering is that still in this amendment?

PRESIDENT PHILIP:

Senator Dudycz.

SENATOR DUDYCZ:

My -- thank you. It's my understanding that I -- I also received letters and communication from the firefighters, but that was prior to the -- the portion of the amendment that contains the four-percent compounded interest until the year 2000. It's my understanding that to -- by inserting this repurchase of

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previously refunded service credit at the four-percent compounded interest, that should have removed their opposition.

PRESIDENT PHILIP:

Senator Palmer.

SENATOR PALMER:

Yes. Thank you, Mr. President. According to my analysis, that is still in there. They pay up through 1989. But that doesn't answer the question of a level playing field for those who have contributed all along, as opposed to the group that refused to participate and will now, according to the letters I received, be given a break.

PRESIDENT PHILIP:

Senator Dudycz.

SENATOR DUDYCYZ:

It's my understanding, that was before the amendment, Senator. The -- the Firefighters Union, representing the -- the entire membership, has signed off on this, and they believe it is -- it does make it a playing -- an even playing field.

PRESIDENT PHILIP:

Senator Palmer.

SENATOR PALMER:

Thank you, Senator Dudycz. Yes, the Firefighters' Association may have signed off, but according to my analysis the Firemen's Annuity and the Benefit Fund of Chicago, neither of them have signed off on this.

PRESIDENT PHILIP:

Senator Dudycz.

SENATOR DUDYCYZ:

I'm sorry, Senator, I -- could you repeat the question? I was talking to staff.

PRESIDENT PHILIP:

Senator Palmer. Senator Palmer.

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SENATOR PALMER:

Yes. What I was saying, Senator Dudycz, is that, yes, indeed, the Chicago Firefighters' Association is a proponent, but the Firemens Annuity and Benefit Fund of Chicago remains in opposition, because that Section is still in this bill, which has -- well, the amendment, which has now become the bill.

PRESIDENT PHILIP:

Senator Dudycz.

SENATOR DUDYCYZ:

Yes. It's my understanding that they did try to take the -- that portion out by amendment and nobody in the committee, neither your side or our side, opposed -- or supported their efforts and they didn't receive any -- not even one vote for it.

PRESIDENT PHILIP:

Any further discussion? If not, Senator moves the adoption of Amendment No. 4 to Senate Bill 100. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. 3rd -- any further amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. We have two requests. The AP requests to take photos of the Session. Is leave granted? Leave is granted. Also, Illinois Public Radio requests permission to record the proceedings. Is leave granted? Leave is granted. Senator Madigan, for what purpose do you rise?

SENATOR MADIGAN:

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

PRESIDENT PHILIP:

State your point.

SENATOR MADIGAN:

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With us in the visitor's gallery this morning is the Superintendent of Lincoln Elementary Schools, Dr. Robert Kidd; Marsha Dallas, the teacher for the gifted class at Lincoln Elementary; and the students from the gifted class at elementary, and I'd like them to be recognized.

PRESIDENT PHILIP:

Will you please rise and be recognized by the Senate. Senate Bill 133. Senator Peterson. Read the bill.

SECRETARY HARRY:

Senate Bill 133.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 134. Senator Peterson. Read the bill.

SECRETARY HARRY:

Senate Bill 134.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 137. Senator Raica. Senator Raica. Senate Bill 137. Take it out of the record. Excuse me. Read the bill.

SECRETARY HARRY:

Senate Bill 137.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

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

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No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 143. Senator Hendon. Read the bill.

SECRETARY HARRY:

Senate Bill 143.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 181. Senator Dunn. Read the bill.

SECRETARY HARRY:

Senate Bill 181.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. ...(microphone cutoff)...Bill 247. Senator Dudycz. Senator Dudycz. Take it out of the record. Senate Bill 260. Senator Raica. Read the bill.

SECRETARY HARRY:

Senate Bill 260.

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(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance, Pensions and Licensed Activities adopted Amendments 1 and 2.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. ...Bill 287. Senator Hasara. Take it out of the record. Senate Bill 304. Senator Barkhausen. Senator Barkhausen. Read the bill.

SECRETARY HARRY:

Senate Bill 304.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 317. Senator Cronin. Read the bill.

SECRETARY HARRY:

Senate Bill 317.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary adopted Amendments 1, 2 and 3.

PRESIDENT PHILIP:

Have there been any other Floor amendments that have been

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approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 336. Senator Sieben. Senator Sieben. Take it out of the record. Senate Bill 337. Senator Sieben. Senator Sieben. Take it out of the record. Senate Bill 354. Senator Barkhausen. Read the bill.

SECRETARY HARRY:

Senate Bill 354.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 356. Senator Barkhausen. Read the bill. Senate Bill 355. I'm sorry.

SECRETARY HARRY:

Senate Bill 355.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

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3rd Reading. Senate Bill 356. Senator Barkhausen. Read the bill.

SECRETARY HARRY:

Senate Bill 356.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 357. Senator Barkhausen. Read the bill.

SECRETARY HARRY:

Senate Bill 357.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senator Fawell. Senate Bill 357 <sic>. Read the bill.

SECRETARY HARRY:

Senate Bill 359.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health and

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Welfare adopted Amendment No. 1.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 399. Senator Barkhausen. Read the bill.

SECRETARY HARRY:

Senate Bill 399.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 401. Senator DeAngelis. Senator DeAngelis. 401. Read the bill.

SECRETARY HARRY:

Senate Bill 401.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted Amendments 1, 2 and 3.

PRESIDENT PHILIP:

Have there been any other Floor amendments been approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 429. Senator Burzynski. Senator Burzynski. Take it out of the record. Senator -- Senate Bill 434. Senator Cronin. Read the bill.

SECRETARY HARRY:

Senate Bill 434.

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(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate Bill 434 <sic>. Senator Cullerton.
Senator Cullerton. Take it out of the record. Senate Bill 439.
Take it out of the record. Senate Bill 539. Senator Fawell.
Senator Fawell. Senator Fawell. Read the bill.

SECRETARY HARRY:

Senate Bill 539.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

3rd Reading. I'm sorry, I thought you said there were no
amendments. Have there been any Floor amendments that have been
approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 553. Senator Fawell. Read the
bill.

SECRETARY HARRY:

Senate Bill 553.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Financial Institutions
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 Trotter on the Floor? Senator

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Rauschenberger, on 630. Out of the record. Senator Maitland, on -- out of the record. Senator Dunn, on 664. Out of the record. Senator Karpziel, on 674. Do you wish to call the bill? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 674.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Lauzen, on 725. Out of the record. Senator Petka, on 768. Out of the record. Senator Hawkinson, on 782. Out of the record. Senator Raica, on 816. Do you wish to return this bill to 2nd Reading for the purpose of an amendment? Oh! It's already on 2nd. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 816.

(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 Raica.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Raica, to explain the amendment.

SENATOR RAICA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Floor Amendment No. 1 is agreement that has been worked out between the Cook County State's Attorney's Office and the Department of Mental Health and the Hospital Association. Floor Amendment No. 1 becomes the bill and resolves several concerns that were raised in committee. The amendment requires that -- a

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mental health facility director to notify the State's Attorney's Office when discharging a -- looks like a recipient when the State's Attorney has requested to be notified. Floor Amendment 1 is -- also requires that -- the facility director to notify the State's Attorney when discharging a recipient who is deemed to be a threat to the peace and the safety of the community. And Floor Amendment No. 2 is purely technical, and I would like to thank our staff for all their patience and -- and multiple hours in -- in making this amendment an agreed amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Amendment No. 2 to Senate Bill -- No. 1 and -- Amendment No. 1 be adopted to Senate Bill 816. All in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Raica.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. Amendment No. 2 is just highly technical, and just would ask for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, all in favor, signify by saying Aye. Opposed, Nay. Amendment No. 2 is adopted. Are there further amendments?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Dillard, on 818. Mr. Secretary, read the bill.

SECRETARY HARRY:

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Senate Bill 818.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 842. Senator Cronin. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 842.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 850. Senator Raica. Out of the record. Senator Dillard, on 857? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 857.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 859. Senator Maitland. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 859.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance, Pensions and Licensed Activities 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 Dunn, Thomas Dunn, on 897. Out of the

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record. Senator Barkhausen, on 975? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 975.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Hendon, on 996. Out of the record. Senator Peterson, on 1022. Out of the record. Senator Maitland, on 1027. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1027.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance, Pensions and Licensed Activities adopted Amendment No. 1 <sic>.

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 Cronin, on 1083. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1083.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

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No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Rea, on 1113. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1113.

(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:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. 1115, Senator Rea? Out of the record. Senator -- Senator Cullerton, on 1183. Out of the record. Senator Barkhausen, on 1206. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1206.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee -- 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. For what purpose does Senator Hendon arise?

SENATOR HENDON:

Thank you very much, Mr. President. I was off the Floor. I

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had a call from Chicago that I had to take when you called 996. I ask leave of the Body to return to 996?

PRESIDING OFFICER: (SENATOR WEAVER)

Is there leave? Leave is granted. Senate Bill 996, Senator Hendon. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 996.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. We will start on page 11. Senate Bills on 3rd Reading. Senator Watson, on 650. Senator Watson on the Floor? Take it out of the record. Committee Reports.

ACTING SECRETARY HAWKER:

Senator Butler, Chairperson of the Committee on Commerce and Industry, reports Senate Bills numbered 15, 945 and 1016 Do Pass; Senate Bills numbered 11, 281, 906 and 961 Do Pass, as Amended; Senate Amendment No. 2 to Senate Bill 354 Be Adopted; Senate Amendment No. 2 to Senate Bill 355 Be Adopted; Senate Amendment No. 1 to Senate Bill 739 Be Adopted; and Senate Amendment No. 1 to Senate Bill 805 Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson, are you -- do you want to move 650? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 650.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This amends the Salem Civic

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Center Law to allow for a sales tax to be imposed by a front-door referendum in the City of Salem. They have a Salem Community Activity Center that's been a very viable and excellent facility for the residents of the -- of the area and, of course, they're having some funding problems with operations and maintenance of the building. This would allow their Authority to impose a local sales tax by front-door referendum, obviously with the advice and consent of the electorate there in Salem, to use this money for such things as upkeep and maintenance.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 650 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are none, 4 voting Present. Senate Bill 650, having received the constitutional majority, is declared passed. Senator del Valle, on 660. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 660.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senate Bill 660 permits daily wage employees to request payment on a weekly or semimonthly basis. It requires employers to post a notice of availability of weekly or semimonthly payment schedules. It also prohibits any employer from designating a particular financial institution for the payment or deposit of a check for wages and permits such institutions not to honor the check as permitted under the Uniform Commercial Code. I'll be glad to answer any questions.

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PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 660 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 660, having received the constitutional majority, is declared passed. Senate Bill 679. Senator Woodyard. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 679.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. This bill was suggested by the Chief Judge in my circuit - the Fifth Circuit - which would allow an at-large additional judge in the Fifth Circuit. It was amended with Senator Karpiel's amendment to add two judges in the Sixteenth Circuit. I know, in my own case, the Supreme Court Justice from central Illinois is supportive of this bill, and I've been told that, in the Sixteenth Circuit, the same is true. Be glad to answer any questions or ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 679 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 679, having received the constitutional majority, is declared passed. Senator

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Syverson, on 681. Out of the record. Excuse me. 681. Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 681.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. Senate Bill 681 amends the Retail Installment <sic> Act and gives retail installment accounts parity with current credit cards. It also deletes the requirement of annual interest statements to consumers, due to the fact that they're no longer federally deductible. I'll answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 681 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 681, having received the constitutional majority, is declared passed. Senator Maitland, on 682. Out of the record. Senator del Valle, on 691. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 691.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senate Bill 691 requires that anyone given supervision or convicted of domestic battery shall

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make restitution to the shelter where the family or household members live because of the domestic battery. The amount of the restitution shall equal the actual expenses of the domestic violence shelter in providing housing and any services for the victims and any other family or household member living at the shelter. This bill was on the Agreed Bill List in the Judiciary Committee and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 691 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 691, having received the constitutional majority, is declared passed. 694. Senator Rauschenberger. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 694.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 694 is a -- a much worked-over and long-awaited attempt to regulate the open burning of leaves in the State of Illinois. This bill, as amended, has been agreed to by all parties participating. This bill requires the Pollution Control Board to adopt regulations which prohibit open burning of landscape waste in census-defined urbanized areas with a population over a hundred thousand. The Board is required to provide exemptions for units of local government which have affirmatively adopted ordinances or regulations regarding such

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burning prior to the effective date of the Board's regulations, and for units of local government which demonstrate that the regulations shall not prohibit the burning of landscape waste for -- that -- that local governments that demonstrate the prohibition of such burning will cause severe economic hardship. The regulations shall not prohibit the burning of landscape waste for agricultural purposes, habitat management purposes, or fire-fighting training. This bill provides for enforcement actions to be brought by the Attorney General, State's Attorney or local law enforcement officials, and provides for fines of fifty dollars for the first violation, one hundred dollars for the second violation, and five hundred dollars for third or subsequent violations. This bill has been before the General Assembly several times. This is probably the most acceptable version that I've seen. It certainly gives local governments the option to deal with the issue prior to the adoption of the regulations and allows them to -- to deal with the issue in a -- in a way that's appropriate to their local area. I would urge a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Welch.

SENATOR WELCH:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR WELCH:

Senator Rauschenberger, what's the threshold for a -- a unit of government to -- to be under this bill?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

The -- the threshold for the areas where the regulations would

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apply are census-defined urbanized areas with a population over a hundred thousand people. It's a census-driven definition for density. If that -- if that answers the question.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

Didn't we pass a bill last year or the year before that applied to municipalities over five thousand people?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

We -- yes, there -- there was discussion in other bills of a far more reaching -- you know, classification which would have applied to more municipalities. This version is -- is defined basically to deal with urbanized areas. It would deal with areas, for example, like Aurora, Champaign-Urbana, the Chicago area, of course, Rock Island-Moline, Joliet, Peoria, Rockford. And I would remind you, however, that those municipalities or local governments that take affirmative action, any kind of regulation or ordinance, prior to the adoption of the Pollution Control Board rules, would be exempted automatically. That action could be to allow burning on alternate days. That action could be to permit burning. That action could be to prohibit burning. It allows local action to preempt the implementation of the rule.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

I guess downstate we just have to learn how to breathe every other day. I have one other question. You said that this was a compromise, and everybody had agreed to it. Is the Chicago Lung Association in agreement with this bill?

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

As far as I know, from the last time I talked with them about three days ago, they're a proponent of the bill. They would like it to be stronger and more comprehensive, of course, but they're very happy to get the beginning.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would.

SENATOR GEO-KARIS:

So, if a municipality wants to set hours for burning, on certain times, they're not precluded from doing it under your bill, are they?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

So long as the municipality or unit of local government acts before the adoption of the Pollution Control Board rules, they can set whatever rules they want for their local area.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

When -- when would the Pollution Control rules be in -- in effect? Can you tell me that?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

The bill has an effective date of January of 1997. And the Pollution Control Board rules would come sometime after that.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would.

SENATOR JACOBS:

Senator, even though I do believe this is probably one of the better bills, as I said in committee, that we've seen in regards to -- to leaf burning, I have a couple of questions. Number one, will this affect all municipalities in the State?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

No. Only those municipalities that are in census-tracked areas of more than a hundred thousand people. The vast majority of the State of Illinois geographically will not be affected.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

And I think that's one of the problems with the bill. Number two, if, in fact -- let me just maybe not ask it as a statement, make it as -- or not ask it as a question, let me make it as a statement. One of the problems that I truly have with this bill is it is a reverse mandate if you will. 'Cause what we are saying to the municipalities, that if you don't do it in those -- in those communities over a hundred thousand MSA, that if you don't do it, then we're going to do it for you. And, I think that that's not good public policy, but, I think that -- again, that if we do things in the State, we should do it for the entire State, and to be selective I -- I think just really makes it a little bit worse.

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And I know in my area we can have a good number of -- of the concentrated area that has no burning, but we could have a community four miles away that can burn all they want. And I know that's going to be damn hard for me to explain to my constituents.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Bowles.

SENATOR BOWLES:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would.

SENATOR BOWLES:

I have some concerns about this also, because in the Metro East area, there is a concentration urbanized area of a hundred thousand. Understand that it does apply in our area then. Is there any local option for, say for example, one of the small incorporated villages that would have the option of passing a local ordinance, Senator Rauschenberger?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yes. Specifically, the bill says that if any local -- unit of local government in a one hundred thousand or greater MSA acts affirmatively before the adoption of the Pollution Control Board regulations. In other words, they could act -- decide, by local ordinance, to have burning on alternate days, to have burning on weekends only, to have burning in any kind of way they want, or no burning at all. As long as they act before the adoption of the Pollution Control Board rules, they can do whatever they want. We just want them locally to address the issue.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

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SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would.

SENATOR HAWKINSON:

Senator, is there anything in current law which prohibits a municipality of any size from dealing with the question of regulating or banning open burning?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

To the best of my knowledge, no.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? If not, Senator Rauschenberger may close.

SENATOR RAUSCHENBERGER:

To my esteemed colleague Senator Jacobs' comments: This bill is not targeted at municipalities. It's targeted at concentrated areas where people live together and have to share the air. It's -- it's -- it's designed to give local government the maximum amount of flexibility. But it does require that they deal with the issue of air quality, and those people who have asthmatic conditions and have lung problems certainly would welcome this kind of legislation. I would urge my colleagues to -- to vote Yes.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 694 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 37, the Nays 15, 1 voting Present. Senate Bill 694, having received the constitutional majority, is declared passed. Senator Fitzgerald, on 695. Read the bill, Madam

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Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 695.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 695 does two things. First, it makes nonresident dealers subject to the Beer Industry Fair Dealing Act. And secondly, it requires that Illinois law must apply to contracts between distributors and brewers. This passed unanimously out of committee. It is supported by the Beer Distributors. There's no opposition to my knowledge.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 695 pass. Those in favor, vote Aye. Opposed, Nay. Voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 695, having received the constitutional majority, is declared passed. Senator Dudycz, on 706. Excuse me. Senator Garcia, for what purpose do you arise?

SENATOR GARCIA:

Thank you, Mr. President. Mr. President, as the chief cosponsor of Senate Bill 700, I'd like to beg leave of the Body to be able to handle this for Senator Shadid.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there leave? Leave is granted. We will come right back to it.

SENATOR GARCIA:

Thank you, Mr. President. Senate Bill 700...

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PRESIDING OFFICER: (SENATOR WEAVER)

Excuse me. Just -- let -- let's read the bill in. Senator Garcia. Senate Bill 700, Madam Secretary. Read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 700.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. Senate Bill 700 is a -- an agreed bill list <sic> that came out of the Committee on Public Health and Welfare. It permits the Department of Public Aid to conduct an early fraud prevention and detection program. The Act calls for a recipient's picture on his or her Medicaid eligibility card and the prescribing physicians name on a Medicaid claim form. I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 700 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 700, having received the constitutional majority, is declared passed. Senate Bill 706, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 706.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDYCZ:

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Thank you, Mr. President. Senate Bill 706 was requested by the Cook County State's Attorney's Office, working in conjunction with suburban police chiefs and county sheriffs. The language, as amended, in the final version of Senate Bill 706 has been worked out between the -- the State's Attorney's Office, the State Police, the FOP, the Chiefs of Police and the Sheriffs' Association. And the Municipal League is now neutral on this bill. What it does, it amends the -- the Code of Criminal Procedure to add -- to add a provision stating that any police officer may conduct temporary questioning and make -- make arrests in any jurisdiction in the State if two provisions: one, the officer is engaged in the investigation of an offense that occurred in the officers jurisdiction; or the second one, the officer, while on duty, becomes personally aware of the immediate commission of a felony or a misdemeanor. The local law enforcement agency shall be notified immediately of any arrest made under this Section. This bill is an attempt to assist the ongoing investigations of persons who travel outside their -- their jurisdictions, outside their municipalities when they are investigating certain instances. This would not allow the police officers to go outside of their jurisdiction just to set up speed traps, for example, or speeding violations, which are petty offenses, and they're not included in this language. Neither are any municipal ordinances. This would allow an on-duty officer to make an arrest if the officer witnesses a crime in his or her presence. Currently, the Statutes state that if the officer is outside his own jurisdiction, whether he's on duty or off duty, if he witnesses a crime, the only thing he can do is make a -- a citizen's arrest. And I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

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

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Bill 706 pass. All those in favor, signify by voting Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 706, having received the constitutional majority, is declared passed. 708, Senator Woodyard? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 708.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

Yes. Thank you, Mr. President, Members of the Senate. This bill was suggested by the Mid-West Truckers Association, dealing with lengths of trucks. Certainly, I think the most important part is the fact that the total length of the truck does not change. It does somewhat change the configuration within the total length of the truck in -- in two manners. It says that the -- it defines the length of the truck-trailer combinations, as either the sixty-five feet in overall length or fifty-five feet in length between the first and fifth axle. And it also would provide that trucks on the Class I truck routes and that's Interstates, the distance between the kingpin and the center of the rear axle should not be over forty-five feet, six inches, where it's now forty-two feet, six inches. That's what the bill does, and try to answer any questions or ask for an affirmative vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much, although I did support this bill in

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committee, I think the -- everyone should realize that by increasing the distance between the kingpin and the -- and the center of the rear axle basically what happens is it makes it more difficult to turn these vehicles. And some of the municipal people are concerned that if they get on the highways within the municipalities, that they will be going over the curbs when they make that -- that turn. I want everybody to be aware of that fact that there -- there is some concern by the Township Officials, the County Engineers and the DuPage Mayors and Managers.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I just stand in strong support of this legislation. It makes us uniform with the other states around us. Allows us not to be sitting out like a sore thumb and I think it's a good bill and ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR WELCH:

Senator Woodyard, doesn't the Department of Transportation design their turn lanes based on the length of vehicles and haven't they already designed many roads based on the existing length?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

Yes, I think that's correct.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

Well, it seems to me then there is a hidden cost here to the taxpayers of Illinois, and that cost is the cost of having to redo these roads and changing the length for the turning lanes. In addition, the cost of the safety aspect to travelers on the highways. Certainly many of us have been at intersections where a truck pulls out into the left lane to make a right-hand turn, and with this bill, this will be more frequent and probably be less safe for passenger cars. I haven't heard any -- any statements how this is going to help the economy to offset those dangers to passenger cars and to the requirement that we change our road system.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm. Further discussion? Senator Woodyard, to close.

SENATOR WOODYARD:

Thank you, again, Mr. President. Senator Welch, I'm -- I'm told that over eighty percent of all of the intersections can -- can handle this -- the turning problem that you brought up, right now. You must understand, also that this deals with the trucks that use just the Class I highways, which are the Interstates. The other thing, the Illinois Department of Transportation and the State Police do support this bill. So, I'm sorry, I understand their neutral on the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 708 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, the Ayes are 22, the Nays are 33, 2 voting Present and 2 not voting. Senate Bill 708, having

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failed to receive the constitutional majority, is declared lost.
Senate Bill 710. Senator Watson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 710.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This legislation comes to us from the Cook County State's Attorney, Jack O'Malley. A couple years ago we sponsored legislation that created the Violence Prevention and Conflict Resolution Education Act, and as a result of the lack of funds and the lack of support, primarily from the State Board of Education, not a whole heck of a lot was done. So, now we're coming back and adding some language to the Act that says that "Any funds received by the State or local educational agency pursuant to the federal Safe and Drug-Free Schools and Community Act of 1994 shall first be applied or appropriated to meet the requirements and implement the provisions of this" -- "of this Section." Yes, indeed, this is a mandate, but it is a mandate in which we are -- we are seeking funds and have funds available for it. I think it's appropriate that we have so many correctional officers in here today, and who are concerned about those people who we put away in the Department of Corrections in this State. What this legislation attempts to do is to create an educational environment by which violence prevention and conflict resolution would be discussed in our local schools - a means by which to solve your problems without ultimately going to the extent in which you end up in the Department of Corrections, and ultimately these gentlemen and ladies have to take care of those people in our correctional systems. This is an effort to do that.

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We have the funds available through the Drug-Free School Act, and I would ask for the support of the Membership.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 710 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 2, none voting Present. Senate Bill 710, having received the constitutional majority, is declared passed. Senator Ralph Dunn, on 717. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 717.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President and Members of the Senate. This bill, Senate Bill 717, amends the Liquor Control Act to require the Liquor Control Commission to establish, develop and enforce a program to reduce the availability of tobacco products to persons under eighteen years of age. The bill is -- needs an amendment on it, and I'd like to send it over to the House. The -- the industry and other people that are interested in it are working on an amendment, and it needs to move along. So I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 717 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 717, having received the

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constitutional majority, is declared passed. We have an introduction today by Senator at the request of Senator Raica. We shall continue on. Senator Ralph Dunn, on 718. You wish to call the bill? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 718.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President and Members of the Senate. This bill has been reduced down by Committee Amendment No. 1 to make it a -- create a shell bill so that we can use it on working on the Board of Higher Education representation and the -- the other things that we're working on in the main bill. We'd like to send it over to the House so that they can work on it, and send it back. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall the Senate -- those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 3, 2 voting Present. Senate Bill 718, having received the constitutional majority, is declared passed. Senator Raica.

SENATOR DUDYCZ:

Ladies and Gentlemen, if we can have your attention for a few moments. We have some special guests with us this afternoon. First of all, I'd like to introduce -- a former colleague of ours has joined us up here on the Podium. Former State Senator and current Treasurer, Judy Baar Topinka, has joined us. Like to welcome her to the Senate. And now, Senator Raica would like to

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introduce a very special guest that has joined us with his wife.
And Senator Raica.

SENATOR RAICA:

Thank you, Senator Dudycz. Ladies and Gentlemen, it is my pleasure to introduce Michal A. Grocholski, who's -- who has arrived in Chicago and assumed the duties as Consul General from -- from Poland on March 9th, 1992. On March 17th, in 1992, he was granted recognition by the Department of State, in Washington, D.C. In 1990, Mr. Grocholski joined the diplomatic service of the first solidarity-led government in the Republic of Poland. Before his appointment, and at present post in the General -- Consul General of Poland, in Chicago, he served as ministers counsel in the Polish ministry of foreign affairs, heading -- heading the analysis division in the Department of Foreign Economic Relations. Mr. Grocholski has been previously working in the capacity of Consulate at the Polish Chamber of Foreign Trade. He was responsible for export promotion programs as well as bilateral economic committees with Poland and the United States between 1988 and 1989, and between Poland and Japan in 1985 to 1988. In the preceding years, he supervised various bilateral activities of the Chamber, with Arab and African countries between 1979 and 1985, and with Scandinavian countries between 1972 and '79, with India between 1965 and '72, and at which time he was appointed the head of the Polish Trade Promotion Center in New Delhi. Mr. Michal Grocholski for many years lectured at seminars and conferences of international Chamber of Commerces. He published articles on public relations in trade promotions, and he gained his first professional experience in import and export of construction machinery, and the first license agreements between Polish industry and the foreign partners in Pollenex Corporation in Warsaw. In 1961, he graduated from the Institute of Oriental Studies in the University of Warsaw. Mr. Grocholski was born in

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1929, in a family of rich political and cultural traditions. He was with the civil and the military -- he received many civil and military decorations. He's a member of the Polish Oriental Society, the World Association of Home Army, and also Polish Sociological Association and the Association of Blind Care. It is with deep pleasure and esteem that Senator Dudycz, Treasurer Topinka and myself, on behalf of Senator Philip and the Governor of the State of Illinois, have the pleasure to introduce to you, Mr. Michal Grocholski.

CONSUL GENERAL, MR. MICHAL GROCHOLSKI:

(Remarks by Mr. Michal Grocholski)

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen, on 721. Do you wish to call the bill? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 721.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

...(microphone cutoff)...Mr. President. Senate Bill 721 is an Attorney General Jim Ryan initiative. This bill reasserts a prisoner's liability for his upkeep. Provides a formula for determining his daily rate. Permits department records to serve in effect as business records at an incarceration cost hearing. Permits the Director of the Department of Corrections to request the Attorney General to sue for assets, which the Director has become aware. And sets a two years from death or release statute of limitations on the Attorney General, and describes what assets are covered, which is basically all. This bill improves the inmate expense reimbursement language, which it replaces. I'd be

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happy to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR COLLINS:

Senator, because I don't have the bill here, could you tell me what assets are included?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

Senator, all assets.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins.

SENATOR COLLINS:

So -- so, Senator, you're -- under this bill -- under this bill, and I know like under current law and -- and there are some concerns about, for example, if -- if a prison -- prisoner is incarcerated and they write a book, the royalties and the monies from that publication should, in fact, go to pay off their debts for incarceration and support their families. I understand that and I support that. But I am concerned here that -- that if you're talking about someone who commits a crime, got a family at home, maybe have a home for their children and -- and that family, and then you're going to attach -- put a lien on the home of that inmate for the incarceration period -- while they're incarceration. To me, then you go beyond and you start penalizing the innocent victims, the families of -- of that incarcerated person. And to me, it would appear to me, that -- that's taking this a bit too far, so I wanted you to clarify and to make -- that

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I make you -- make sure that you're not taking the homes away from families or putting liens on homes of families to pay for their incarceration of a member of that family who violated or committed some kind of crime?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs. Was that a question, Senator Collins?

SENATOR COLLINS:

I -- I want him to answer that for the record. Are you taking...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR COLLINS:

...away?

PRESIDING OFFICER: (SENATOR WEAVER)

He understands it.

SENATOR LAUZEN:

Senator, the responsibility's when a person commits a crime -- what this bill does is, it reasserts that the responsibility for their upkeep is that person's. The Attorney General is authorized to go before a hearing to collect any of the assets to, in effect, compensate for the crime that's been committed.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs. You have a further question, Senator Collins?

SENATOR COLLINS:

...was trying to get clarification on the question, and he's answered the question, but then I'd like to make a statement.

END OF TAPE

TAPE 2

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PRESIDING OFFICER: (SENATOR WEAVER)

...Proceed.

SENATOR COLLINS:

Yes. Thank you very much. I rise in opposition to this bill, because I think this bill -- I know this bill goes too far. I think I have -- everybody know that have been around here that I have championed the fight to ensure that incarcerated people have access to jobs so that they can, in fact, pay for the cost of -- that they incur -- for incarceration, and to provide continuous support to their families. I think that is fair and proper, and they should do that, but I don't think that a family - a wife and a child, or -- or a -- a spouse and a child and their children - should be penalized because one of the members of that family who happens to own a home or some property committed a crime. So you're punishing innocent people and that is not right. All you're doing is adding to the probabilities that members of that family will also become criminals themselves. That's not what I think we ought to be doing.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just to follow up on Senator Collins' question, 'cause I think she raises a valid point. I guess my first question, if the sponsor would yield, is -- is: What cost are you talking about when you're talking the cost of incarceration? Are you talking about medical costs? Are you talking about the actual thirty thousand dollars a year it -- it costs to -- to take care of an inmate? What actually are you talking to? And then I have a follow-up question.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

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SENATOR LAUZEN:

Senator, that's -- that is one of the important things that this bill intends to clarify, and the answer to your question is that his daily rate is the average per capita cost per inmate per day per particular institution.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

So what we are saying here is probably that eighty to ninety percent of those that we have incarcerated, in most cases, do not have assets, and they don't have assets because that's why they're out doing the crimes. So what we're talking about is we are going to take those who can afford to pay, and make them pay. Now that sounds good, and for all of you that are listening, just keep in mind "that sounds good". That'll make a nice press release. But yet, on the other hand, we have the situation, as Senator Collins brought up, that penalizes the family. Is that what our intent is, is to penalize families because somebody makes a mistake? Somebody goes out and a -- a husband and/or a wife makes a silly mistake and does something and goes to prison for two years, the other spouse and the children have to suffer beyond - beyond - the fact of the loss of the other party for a period of a couple years, but now we're going to damage them more by making those at home pay for their cost. If we're going to do that, let's just make all prisons to where everybody's got to pay, period. And, you know, you're not going to be able to do it, because there aren't that many people that are eligible or able to pay for it. We have fines. We have all other types of recourse, and I think what you're trying to do is noble. I think you went too far. If you wanted to do this for medical costs, et cetera, those things that they'd have to pay on their own, I could understand that, but to take away homes, cars, those things that are necessary for a

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family to stay together, as your legislation attempts to do, I think is completely wrong. And we should certainly take a long, hard look at this before we approve it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. I guess, a question of the sponsor if he'll yield.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR WATSON:

All right. I -- I guess I'm confused hearing the two opponents here speak and reading my analysis. From -- from what I understand current law, they have no ability to do this. This is just enabling legislation. That's all we're trying to do.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

That's correct.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Second question: If -- if, in fact, an individual is incarcerated in this State and they have, let's say, insurance - medical insurance - would this enable the Department to go after the medical coverage that that individual has and, therefore, pay for his or her medical costs while incarcerated?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

The answer is yes.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Watson.

SENATOR WATSON:

Well, absolutely an excellent idea. I mean, we -- I give speeches and I go around the district. I've got three correctional centers in my area, plus a new federal institution, and I always say if you want the best of health care, you want education, you want three meals a day, you want to play basketball and volleyball, go to prison. That's a way to do it. Now, all we're asking is that an inmate accept some of the responsibility - financial responsibility - for his or her incarceration. I mean, we have such a ballooning population now within the Department of Corrections, the costs -- just take a look at the budget and see what's happening in the Department of Corrections. You talk about a growth industry in this State, unfortunately that's where it's at. Why not enable the Department or the Attorney General to recover some of those costs from, in fact, inmates who have committed a crime against society? Let's remember that. Why not enable them to go after some of those costs that will help us and help our system maintain some viability? I think this is an excellent idea, Senator Lauzen, and I certainly support it and hope the other Members of the Senate will also. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR PALMER:

Senator Lauzen, I guess I'm still confused about this. I read the law as it was currently in place, and it looked as if you have crossed out all of the language that did require prisoners, incarcerated people, to pay for their incarceration. So when you

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say that this is enabling legislation, I don't understand how it can be enabling when what you are doing is what Senator Collins said. You are, in fact, taking all assets. Now I could understand -- my analysis says that this grew out of the John Wayne Gacy case. I could understand if you had written legislation that prohibited prisoners from profiting from, as in the case of Gacy, artwork or books or whatever, but to take assets which, by right, belong to a family - for example, there could be a joint checking account, there could be joint ownership - to take those away over and above the cost of this person's incarceration, it seems to me is taking it a bit far. Am I not understanding this correctly?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would.

SENATOR FAWELL:

If -- if someone commits a drug crime - and perhaps if you don't know this, maybe some attorney might, because I honestly don't know the answer - if someone commits a drug crime right now, we have something in the law that says that when a -- a criminal is convicted, that -- that any assets they may have that may come from the fruits of the crime can be taken by the local police department - the cars, the -- in fact, I just saw a DARE car the other day that said, you know, "This was from the result of a drug raid." I know there's been a couple of houses that have been picked up in DuPage County by, I believe, a -- a local municipality or -- or... In effect, when we do that, are we concerned about the family? Are we concerned about the -- the -- the wife who may be driving that car? Are we concerned about the

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kids that may be living in that house, or do we just take those assets away, period?

PRESIDING OFFICER: (SENATOR WEAVER)

Are you asking a question, Senator? Senator Lauzen.

SENATOR LAUZEN:

Well, first of all, the intent of the bill is not to punish families, but -- and of course, it is -- we also don't want to punish society, as you know, with the increasing populations that Senator Watson referred to and the costs of incarcerating. What this bill does is it provides the same remedies in the law as an enforcement of civil law judgment, but it establishes that the prisoner has the liability for his upkeep. So rather than the onus being placed on society, who has had a crime committed against her, it is the prisoner's responsibility to maintain his or her upkeep.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Who decides which assets are going to be taken?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

This is -- this is handled the same way in a court -- in a civil law. It's the same -- the same thing as a civil law judgment.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Well, to the bill: It seems to me that this bill, frankly, makes a lot more sense than what we have done as far as the drug raids, and what have you, are concerned, where police departments and FBI people and drug enforcement people have been able to go in

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and literally take somebody's assets almost without a court case. If they find a pile of money in a -- in a trunk, they assume that is -- it is from a drug sale. If they find a marijuana cigarette in a -- in a -- in a boat, such as they did in -- in one instance, they assume that that boat owner, who may or may not even know that that thing was there, is in possession of drugs. At least, this bill, you have to go to court and the court has a chance to look at those assets and see, indeed, if those assets could or should be used for this purpose. I think it's a fair bill, and I think we ought to be voting for it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. In a comment to the last speaker, let me point out that when you talk about the proceeds of a drug deal - those are the proceeds of a criminal action - those can be grabbed under existing law. This bill has nothing to do with the proceeds of drug dealers. Proceeds of drug dealers can be attached under existing law. Let me tell you what this bill does, as I read it. And I think that -- I find it interesting, according to our analysis, Department of Corrections has taken no position on this bill. As I read this bill, what you are doing to the average -- to the average inmate, under the Department of Corrections -- and I've got some experts sitting in the balcony that might be able to give me some -- some signals as to whether I'm off base or not. The whole purpose or one of the main purposes for the overwhelming majority of convicts is to rehabilitate them, to show them the -- the error of their past, and get them into a work-release program so that they can blend into society in a productive way. Now, keep that in mind, Ladies and Gentlemen. That is one of the main purposes of our correctional system. I'm not talking about the

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murderer. I'm not talking about the person sentenced to life imprisonment. I'm talking about -- to the eighty-five, ninety, ninety-five percent of the convicts that are going to be out one of these days. For those -- the overwhelming majority of those convicts, we want them to get back into society. We want them to learn how to earn an honest living. We want them to take care of their spouses and their children. Under this bill, if you take a person who's been convicted of what I will call a nominal crime - okay? - and is sentenced to two years in prison - two years in prison. Okay? Well, wait a minute. You can -- you can make fun of my word "nominal", but it's not life imprisonment. They've been sentenced to two years. Under this bill, that person is going to have, my guess is, at least a sixty-thousand-dollar lien - a sixty-thousand-dollar judgment - against them, because the average cost of keeping a convict in jail is about thirty thousand dollars with all of the things that are itemized here. Now what -- what's going to happen? The Attorney General and Department of Corrections, under this bill, are going to be under pressure to collect that money back. From the speeches that I heard on this Floor, they're going to be required to collect that sixty thousand dollars back. And let me tell you what also is in this bill, the following sentence: "No provision of this Section shall be construed in violation of any State or federal limitation on the collection of money judgments." And what that means is this: If I went out -- if I'm in prison and I'm released and I go out and one of the people that I defrauded of money has a judgment against me, they can garnish my wages. That's limited to fifteen percent of what I earn. Under this bill, my hypothetical of sixty thousand dollars owing to the State, whatever I earn, not limited to a fifteen-percent garnishment, - whatever I earn - would be attached by the State. Why should I get an honest job? How am I going to take -- why should I take care of my spouse? Why should I take

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care of my children? The State is going to grab everything I earn, whether it's on work release or it's a legitimate job after I'm released, to pay back that sixty thousand dollars I owe for two years in prison. Where are we rehabilitating people? How are we going to get them back into the mainstream of society? Not with this kind of bill. It doesn't make any sense. I urge a No vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield, Senator Hendon.

SENATOR HENDON:

Thank you very much. Senator Lauzen, I have a problem with this bill. Point number twelve on the digest says that the death of a convicted person, by execution or otherwise, while committed to the Department of Corrections shall not act as a bar to any action or proceeding under this Section. Does that mean that -- say we execute someone or they are just killed in prison by another inmate or whatever, would we then go after the house and put the mother and the children out on the street? I mean...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

First of all, again, what this bill does is it establishes that the responsibility for keeping a person in jail is the prisoner's, not society's. What we're talking about today -- and I'm amazed by the -- you know, by the, perhaps, confusion. This is already the law. All this bill does is amend procedures that the State goes about recovering the assets that are due them in

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the upkeep of the prisoner.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

Okay. And I -- and I will certainly be brief, as I have all -- all this Session. The -- does this law -- is this law going to affect, no matter what the crime? Because I'm -- I'm all for seizure for drug dealers or -- and that kind of thing, but what if a person that end up in the penitentiary 'cause of traffic tickets, which it happens, or traffic violations or, you know, something that's really not like a drug dealer or a murderer? So is it any crime? You know...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

Are you saying that people go to prison for traffic violations?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

Well, they go into the Cook County jail, which is -- which is the same thing. There are people who've been in there for a year.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

Senator, this is for people who are in prison.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

My question is, is it -- is it regardless of any crime? DUI, someone said. You know, because I just feel that certain crimes -- okay, fine -- drug dealers, let's take everything they got.

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Carjackers, bank robbers. But I mean, some -- some people are in the penitentiary right now for crimes that are really not, you know, something that's terrible. And I don't think that we should be taking their assets that they may have left, and that -- that's my concern. Other than that, I think it's a good bill. You've been sponsoring fine legislation all year. I just have a problem with how broad this is. So my question is, is it any crime or are there specific grievous crimes?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

It does not cover misdemeanors, Senator, if that clarification helps. So that makes it a bit more narrow.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I think maybe we can shed a little light on this debate, and it's an interesting one, but it -- but it involves something that's already the law. The current law reads that the Director of the Department shall, when reasonably able, require convicted persons committed to the Department of Correctional Institutions or facilities to reimburse the Department for the expenses incurred by their incarceration. It's already the law. This is just setting up a procedure whereby the AG can go to court, can get these judgments entered. It's -- it's a good bill, but the underlying concept that seems to be debated here is already the law.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. Chairman. May I ask a question, please, to the sponsor? I want to clarify what Senator Collins and Senator

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Palmer was asking to you. I want to ask -- I understand from what they said, they were inquiring, is it true that a person who was convicted and sentenced to incarceration, that his family - his wife or his mother, who is left here to take care of theirselves while he's incarcerated - will their monies or whatever they have to take care of them while he is away, is that going to be taken from them, that they will not have any support whatsoever?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

Their monies would not be taken.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Smith. Senator Smith.

SENATOR SMITH:

Thank you. But that the monies will be taken away from them and used against him while he's incarcerated? That's what I want to ask.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Senator. Number one, this is existing law, what you're referring to, and it does not change -- this bill does not change any of the existing law. Secondly, the consequences of this civil judgment action would be no different than if there was an accident and there were damages assessed, from what I understand. Third, we would not be going after someone else's assets, just the assets that are in the name of the prisoner.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Smith.

SENATOR SMITH:

...not clear. You're not clear. I want to ask just one yes or no. The money or whatever upkeep that there was existing in

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that household that the family lived off of while he was out, will that money be taken away from them while he's incarcerated? Will they be able to maintain that money and live on it?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

If that -- if...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

If I'm not mistaken, you're referring to an income stream that was created by the -- by the now prisoner. If that's the case -- if the prisoner is in prison, that stream would be cut off naturally, because the person's not going to work anymore. Any assets that are the prisoner's assets would be susceptible to this, but assets that are the family's or not his would not.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Bowles.

SENATOR BOWLES:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would.

SENATOR BOWLES:

Senator Lauzen, in other words, what you're saying is that it is possible that assets that belonged to the prisoner prior to the incarceration would actually be -- could actually be subject to acquisition, as opposed to assets that are acquired by that prisoner after the incarceration. For example, writing a book or something of this nature.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

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SENATOR LAUZEN:

The answer is yes. And that is the existing law.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Molaro.

SENATOR MOLARO:

Thank you -- thank you, Mr. President, Ladies and Gentlemen of the Senate. As our esteemed colleague from Galesburg pointed out, this is the existing law. And even though the debate is interesting, I don't want to continue that, even though I'd love to, because I think the law, as written now, is a little strenuous on prisoners. And anybody who's ever had debt realizes that having debt can make you do things that you normally wouldn't do. And you hate to have somebody pay his debt to society, come out of prison and wind up with more debt heaped upon him or her when he's trying to live his life. But let me ask you this -- two questions: Number one, existing law, your current bill, is any of this dischargeable in bankruptcy?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

To the extent that it -- any civil award is dischargeable in bankruptcy, then this would be dischargeable in bankruptcy.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

Although it occurs to me, if there's a bankruptcy, the liabilities exceed the assets, so there are no net assets to be gone after. So I -- but my guess is that your second question will clarify the first question.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Molaro.

SENATOR MOLARO:

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Once again, then obviously in bankruptcy there are -- there are certain plateaus, such as your homestead and certain personal belongings and things like that. So -- so the answer would be, I guess, then yes, if you're shaking your head. This says follow the rules of bankruptcy. One last question then, real quick: If it's existing law, if you could quickly - and you could do this in your closing remarks so we don't have to waste time - explain to us then the difference, if this is existing law, what are the main one or two points that your bill does to either enhance or make better the existing laws? And again, you could answer that in his closing remarks. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR JONES:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR JONES:

Senator Lauzen, I heard you state in your remarks that this is current law. Could you -- if it is current law, could you tell the Body how much has the State recovered under current law, or has the law been enforced? Could you tell us -- what has the State recovered?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

Senator, I believe that that is the reason for the necessity of this law. I -- I cannot answer the -- that question directly as far as how much has been collected. What I do know is that the procedures - not the law in place, but the procedures - to collect what's available have not been adequate to -- to collect the -- the maximum amount that the State has been entitled to.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR JONES:

Senator Lauzen, you stated several times that this is current law. Only thing you are basically changing is the average cost that you arrive at for a fiscal year. Now, if it is current law, then we should know or your -- on your analysis or staff should be able to tell you whether or not there has been reimbursement to the State for inmates who have been incarcerated. And could you give us what is the average that has been paid to the State by the average inmate that has been incarcerated?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

I believe that a good example to illustrate why this bill is necessary is the John Wayne Gacy case. Here, we had the Attorney General, who had the law on the books, but because the procedures were not as workable as this...

PRESIDING OFFICER: (SENATOR WEAVER)

Excuse me. For what purpose does Senator Jones arise?

SENATOR JONES:

Mr. President, I asked the gentleman a specific question, not about a particular individual.

PRESIDING OFFICER: (SENATOR WEAVER)

I think, Senator, he was trying to explain the...

SENATOR JONES:

Gacy -- Gacy was not the only inmate that has been incarcerated in prisons in Illinois. This bill affects all inmates. So what I'm asking you -- not about that one particular case -- what has the State done to collect the money owed it by members who have been incarcerated?

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Lauzen.

SENATOR LAUZEN:

Number one, I name off the John Wayne Gacy case because it is a perfect example of how Attorney Generals in the past and in the present feel that the procedures are not adequate to collect the money that is due the State. So the necessity of this legislation is to put the procedures in place so that we can accomplish the goal that I believe that you say that we should.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR JONES:

Well, seeing that the sponsor is not willing to answer the question, because it'd be easy to state that you don't know. Now, we all know about John Wayne Gacy trying to collect money for him -- the profits he made off of whatever it was. And I -- we all understand that. But this bill talks about all inmates. Persons who have not made a profit off of selling a book or writing or doing some TV coverage and getting paid. This bill addresses inmates who have been incarcerated in -- in -- in prison, but you don't want to deal with that. Because -- because the law is already on the books, as you have fore stated. So what I'm saying to you, I think you should tell the Body or have your staff come up with some sort of figure as it relate to these inmates, because if you just want to get some press off of John Wayne Gacy, say "I want some press off of John Wayne Gacy." But there are thousands of inmates that are incarcerated that the current law requires them to reimburse the State for their room, their board, their -- and their meals. So if it's current law, of all those thousands of inmates, you can't even tell the Body whether or not they have paid or followed the law or the Department of Corrections has done its job. That's the issue that's before us, and let's not use the -- the infamous John Wayne Gacy to try to throw us off. This bill

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affects all inmates. The current law affects all inmates. So let's be honest with the Body and say, "I don't know." The State maybe didn't go after and try to collect the dollars. Am I correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

Well, that is exactly what we're trying to do is, we are -- number one, if you would like me to say that I don't know what the amount is that has been collected, that's no problem; I don't know how much has been collected over whatever period that you're talking about. The current law, I understand, is in -- or, the -- the current procedures are inadequate to collect the amount of money that is due, under the current law. So if your objective is to go after all prisoners with proper procedures so that we can get this job done, then you should be a Yes vote on this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins, for the second time.

SENATOR COLLINS:

Senator -- question of the sponsor. One question. Will this bill affect joint ownership of property?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR COLLINS:

Marital property -- joint ownership?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

Only to the extent that any -- that it would be affected by any civil judgment.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon, for a second time.

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SENATOR HENDON:

Thank you, Mr. President. I apologize for rising a second time. Will the sponsor yield for question, real quick? Senator Lauzen, does this bill cause the Attorney General to go after every inmate, or will they be able to pick and choose which inmates they decide to go after? Because if -- if they can pick and choose, then I have a problem with that, because they may pick certain ones and then let others get away. But, is it mandatory that they go after all inmates that may have property, or -- or can they just choose arbitrarily which ones they want to go after?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

I believe that the answer to your question is that it permits the Director of Department of Corrections to request that the Attorney General sue for the assets which the Director has become aware of. It would be my hope that we recover as much of this money as we possibly can.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

Well, to that I -- I have a problem with that, too. Because I think if they're going to go after the property, they should go after everybody's property and not pick and choose, because they may pick and choose a certain group of people and we wouldn't want that. Finally, who is liable in case that inmate wins an appeal and gets out, or is proven to be innocent? You know, I'm one of those -- I'm tough on crime, but I do believe that some people - innocent people - get caught in the net. And since there is a bill coming up to privatize prisons, if -- if that goes into effect, who would be liable? The -- because a privatized prison might do it for profit. Since the prison will be run for profit,

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they may go after this property for profit. So who would be liable? Would the State be liable?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

Actually I appreciate the -- the question. I think that that's an important point. What would occur under this bill is the same thing that would occur under the existing bill, and if I'm not mistaken, there'd be a suit for improper incarceration and the assets or the funds that had been forfeited would probably be a part of that suit.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

Question -- question of the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR WELCH:

Senator Lauzen, is there anything about privatizing prisons in this bill?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

No, Senator, there's not.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen. Did you have a further question, Senator Welch? Further question?

SENATOR WELCH:

I -- I'd just like to say that I think that the argument here has pretty much been confused to make it look as if we should be coddling some of these criminals. I think that anybody who ran in the last election knows that one of the major issues that the

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public is concerned about is the benefits or the facilities available to criminals throughout the State of Illinois. I think that this is a step in that direction. This isn't the most well-drafted piece of legislation, but I think it makes a point. Hopefully, that point will be refined when it gets to the House, but I think that we should vote in favor of this and let it get to the House and hopefully the -- the rough edges of this bill can be sandpapered over there. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen, to close.

SENATOR LAUZEN:

Thank you, Mr. President. First of all, reaction to several of the things that have been mentioned in this debate. Number one, rehabilitation is secondary purpose of our prison system. I think that the primary purpose is to keep criminals away from law-abiding citizens, and the cost of that has become increasingly more expensive. We need to make sure that people who are serving their time are doing it on their dollar, rather than our dollar. I think that it's repulsive, almost to sickening, when people stand up and say, "Look at what we're doing to criminals." I would like to say that the people who advance that argument should say, first, "Look at what these criminals are doing to our society." I remember when I was punished as a child that, you know -- that I didn't know that that was going to be part of the penalty, and I remember my parents saying, "Well, you should have thought about that before you committed the crime." Another comment that was made is that these folks are out doing the crime because they have no assets. I hope that the justification for crime is not when people don't have assets, that that is the natural outgrowth. Finally, we have situations where, yes, John Wayne Gacy, a person like Ivan Boesky, had made literally hundreds of millions of dollars and they're on -- as a burden on the

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taxpayers. I think, again, the bottom line on this is that criminals should serve their time on their dollar, not our dollar. I would appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 721 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, the Ayes are only 48, the Nays are 6, and 2 voting Present. Senate Bill 721, having received the constitutional majority, is declared passed. Senator Woodyard, on 728. For what purpose does Senator Dudycz arise?

SENATOR DUDYCZ:

Thank you, Mr. President. Just on a point of personal privilege.

PRESIDING OFFICER: (SENATOR WEAVER)

State your point.

SENATOR DUDYCZ:

Well, for -- for the -- for the benefit of the Membership, we've been here -- we've been here almost two and a half hours. We have spent forty-five minutes on the last bill with a -- which came out of here with a vote of 48 to 6. We have gone through thirteen bills. We have almost two hundred bills left.

PRESIDING OFFICER: (SENATOR WEAVER)

Your point is well-taken. Senator Woodyard, on 728? Out of the record. Senator Peterson, on 729. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 729.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Peterson. For what purpose do you arise, Senator

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Collins?

SENATOR COLLINS:

I also had a -- rising on a point of personal privilege. I agree that we spent a lot of time debating the bill, and of course, it passed out of here, but one of the problems about this kind of debate here is that people are not telling -- putting the facts out here so that we can know what is and what isn't true. And -- and we're going to continue to debate on this Floor, and you're going to continue to do the same thing, because people are pressured for political reasons to do the right thing, to get tough on crime. That was a bad bill when we debated it. Even though it passed, it still is bad.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins, I gave every Member an opportunity to ask any question that they wanted. Some two times. So I think the debate was well covered. Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President and Members of the Senate. Senate Bill 729 would, under current tax law, make clear the treatment of designated dividends of regulated investment companies, which are known as RIC, those companies that are located in Illinois. We want to clarify the interpretation so it won't result in an unintended double taxation. And we would -- we would like a supportive roll call on the Senate Bill 729. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I just wanted to point out to our side that this passed out of committee on a -- no opposition on either side.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

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SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR WELCH:

Senator, what is the fiscal impact on this? Was there a fiscal note filed?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Peterson.

SENATOR PETERSON:

There is no fiscal impact.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

State your point.

SENATOR JACOBS:

My light was on earlier, but -- before this bill. Not to the bill, but in regards to previous comments made about the length of time, I do have a suggestion that may help us all out. We've used it many times in the past. Those bills that needed to be debated, I think, should be debated at length, regardless of what the vote may turn out, 'cause some people have feelings, some people have questions on issues. But we have used the Agreed Bill process in the past, and I think this side of the Body is willing to look at that in the future. So if you want to move it along, why don't we try the Agreed Bill process?

PRESIDING OFFICER: (SENATOR WEAVER)

Thank you. Senator Peterson, do you wish to close? The question is, shall Senate Bill 729 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish?

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Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, 1 voting Present. Senate Bill 729, having received the constitutional majority, is declared passed. Senate Bill 731. Senator Maitland. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 731.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 731 creates the Food and Agricultural Research Act, under which monies appropriated to the Department of Ag shall be allocated to several universities - four to be exact - to deal with the issue of agricultural research. Illinois used to be number one in the nation in ag research, and in recent years because of severe budget restraints, we've really lost some ground at the University of Illinois and elsewhere. This is an attempt to attract money back into ag research with the hope of capturing matching dollars from the private sector to aid in the research. This is an initiative that has been put forth by a committee that has worked for nearly three years - ag alumni and others - and they have gained support of the environmental community, along with a number of other business and agricultural groups. I know of no opposition. I would seek, Mr. President, the support of the Body.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

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

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I too want to join Senator Maitland and indicate that a few years ago I had a bill that's currently on the books for ag research; it wasn't funded. This -- this particular program is a much larger program. It is one that I hope that we can finally begin to put some -- some State dollars into it. It's an excellent program, and I would hope that it would have your support. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, Senator Maitland, to close.

SENATOR MAITLAND:

Thank you very much, Mr. President. I -- I seek the support of the Body. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 731 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, 2 voting Present. Senate Bill 731, having received the constitutional majority, is declared passed. 736. Senator Madigan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 736.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the Senate. Senate Bill 736, as amended, removes the requirement that an insurance company keep a copy of applications for a policy attached to the policy. And with respect to auto, fire and other lines of personal insurance, such policy or policy renewal shall not be rescinded

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after the policy has been in effect for one year or the policy term, whichever is less. I'd be happy to answer any questions, and otherwise would ask for a favorable consideration.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 736 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, 1 voting Present. Senate Bill 736, having received the constitutional majority, is declared passed. 738. Senator Madigan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 738.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President and Members of the Senate. Senate Bill 738 amends the Downstate Police and State Employees Article to allow employees under the SLEP formula to transfer credits under those Articles to the Illinois Municipal Retirement Fund as -- as long as they are paying the difference in contributions, plus interest. I'd be glad to answer any questions to it, and otherwise would ask for its approval.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 738 pass. Those in favor will vote Aye. Opposed, Nay. The voting's open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 738, having received the constitutional majority, is declared passed. Senator Butler, do

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you wish to recall 739 to the Order of 2nd Reading for the purpose of an amendment? Senator Butler seeks leave -- take it out of the record. Senator Sieben, on 741. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 741.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill amends the Code of Corrections to allow the -- the courts to impose a restitution order on a convicted drug dealer in order to recover the money that's used in a drug buy. If public money is used to purchase drugs and that's not recovered in the process of arrest, then the court would be allowed, under this legislation - given the fact that the defendant has the ability to pay - to seek restitution. I know of no opposition to the bill, and I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 741 pass. Those in favor will vote Aye. Opposed, Nay. The voting's open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 741, having received the constitutional majority, is declared passed. Senator Dudycz. Senator Dudycz, on 747. Out of the record. Senator Maitland, on 749. Read the bill, Mr. Secretary. Out of the record. ...(microphone cutoff)...Mahar, do you wish to recall 758 for the purpose of an amendment? Senator Mahar seeks leave of the Body to return Senate Bill 758 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the

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Order of 2nd Reading is 758. Mr. Secretary, are there any amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Mahar.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President, Members. This is a clarifying amendment that was recommended by the -- unanimously by the Public Health Committee, and I would 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. Any further amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Maitland, on 761. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 761.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. This amends the -- Senate Bill 761 amends the Counties Code to allow county boards of any county to provide for an additional charge of up to five dollars - and it is now three dollars - for filing instruments, paper, or notice of record in the county recorder's office. Such fees will be used only to defray the cost

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of converting county recorders' document storage system to computers. It is -- it is -- it is permissive, Mr. President. I would seek support of the Body.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 761 pass. Those in favor will vote Aye. Opposed, Nay. The voting's open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 1, none voting Present. Senate Bill 761, having received the constitutional majority, is declared passed. Senator Madigan, on 766. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 766.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Bill 766 inserts equivalency, insofar as education, with regards to securing a private detective's license. And that's all it does. I would be glad to answer any questions and ask for its approval.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there -- is there discussion? The question is, shall Senate Bill 766 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 57 Ayes, 1 Nay, no Members voting Present. Senate Bill 766, having received the required constitutional majority, is declared passed. Senate Bill 772. Senator Philip. Senator Philip, do you wish this bill returned to the Order of 2nd Reading for the purpose of amendment? Senator

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Philip seeks leave of the Body to return Senate Bill 772 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is...(microphone cutoff)... We're going to take Senate Bill 772 out of the record, with leave to come back in a few moments. Senator Bowles, for what purpose do you arise?

SENATOR BOWLES:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Please state your point.

SENATOR BOWLES:

We have with us in the gallery the fifth graders from the Maryville School, Collinsville Unit 1, with their teacher, Miss Kerrs. And I would like for them to stand and be recognized by the Senate.

PRESIDING OFFICER: (SENATOR MAITLAND)

Would our guests in the gallery please rise, if they're still here? Welcome to Springfield. Senate Bill 776. Senator Palmer. Senator Palmer. Senator Parker, I'm sorry. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 776.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. Chairman and Ladies and Gentlemen of the Senate. Senate Bill 776 amends the Highway Code and provides for more flexibility in the use of State motor fuel tax funds to provide for a wider variety of improvements needed to provide

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better service to our citizens, particularly in more urbanized areas. This bill was before us, and at that time only applied to Lake, DuPage, McHenry, Will and Kane County. However, people did want to have it provide statewide, so we have amended it for that. And the bill is permissive. I would be glad to answer any questions and urge a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I want to thank Senator Parker for holding this bill at the last one and getting the amendment on, and I think it's now a very good bill, and I ask for its support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Walsh.

SENATOR WALSH:

Thank you. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates she will yield, Senator Walsh.

SENATOR WALSH:

Senator Parker, I just want to clarify. The board talks about the weight of vehicles. This doesn't increase truck weights or anything on -- on State highways, does it?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Parker.

SENATOR PARKER:

...it doesn't. That was the original vehicle bill. That does not have anything to do with that. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? The question is, shall Senate Bill 776 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have

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all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 57 Ayes, 1 Nay, no Members voting Present. Senate Bill 776, having received the required constitutional majority, is declared passed. Senate Bill 772. Senator Philip. Senator Philip, do you wish this bill returned to the Order of 2nd Reading for the purpose of an amendment? Senator Philip seeks leave of the Body to return Senate Bill 772 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 772. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Philip.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Amendment No. 2 becomes the bill, and it just pertains to counties between seven hundred thousand and three million. That would mean specifically DuPage County, and what it does, it gives the county board chairman the line item veto powers, the same as the Governor. It also would include, for the first time, the Airport Authority and Mental Health. Be happy to answer any questions. Move its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Philip moves to adopt Floor Amendment No. 2 to Senate Bill 772. 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.

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PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 777. Senator Barkhausen. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 777.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. Senate Bill 777 would create, within the Department of Commerce and Community Affairs, a center for business ownership succession and employee ownership. The bill embodies the recommendations made by an advisory task force on the same subject that we created two years ago. I participated actively in the task force. We held hearings around the State, and the major recommendations of the task force was that the --- that we create this center within the Department. We have found, upon -- after our own deliberations and considerable testimony, that the lack of timely planning for the ownership succession of businesses is a major reason that businesses fail when they're transferred from one generation to the next. This seeks to provide an avenue for remedies for those looking for sound planning in this area. I know of no opposition, and urge your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. I concur with Senator Barkhausen. I also served on that task force. In fact, I think legislation that I sponsored created it. There is a true situation that can be corrected in our State with regard

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to people that typically -- who started businesses after World War II, family businesses the family does not wish to take over. They -- they retire and the business is closed, when, in fact, someone else, if properly aware of the situation, could come in and purchase - perhaps even some employees - and keep the business going. That's what -- one of the things that government can help with in a -- in a very minor fashion, but an important fashion. So I also urge support for the legislation.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? The question is, shall Senate Bill 777 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 57 Ayes, no Nays, no Members voting Present. Senate Bill 777, having received the required constitutional majority, is declared passed. Senate Bill 781. Senator Karpiel. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 781.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. The amendment to the -- became the bill, and it does two things. First, it will allow fire protection districts to charge fees for services rendered to residents of a county, municipality or fire protection district, which has a mutual aid or assistance agreement with the district but are located outside of the fire protection district and, therefore, do not pay any taxes to the district. The second thing it does is to increase the maximum hourly charges for these

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services when provided. The current rates have not been changed in years, and this language will allow districts to determine locally exactly how much their services cost to provide.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 781 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. Senate Bill 781, having received the required constitutional majority, is declared passed. Senate Bill 788 -- 787. Senator Severns. 787, Senator Severns? Senate Bill 788. Senator Karpel. Top of page 14. Senate Bill 793. Senator Butler. Senate Bill 802. Senator Barkhausen. Senate Bill 805. Senator O'Malley. Read the bill, Mr. -- Senator O'Malley, you wish this bill returned to the Order of 2nd Reading for the purpose of amendment? Senator O'Malley seeks leave of the Body to return Senate Bill 805 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 805. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator O'Malley.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Members of the Senate. The Amendment No. 1 -- Floor Amendment No. 1 to Senate Bill 805 changes the number of hours from fewer than ten to then fewer than eight hours as provided for in -- in the principal legislation.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Bowles,

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you're not on this subject right now. Right? Okay. All right. Is there discussion? Senator O'Malley moves the adoption of Floor Amendment No. 1 to Senate Bill 805. Those in favor, vote Aye. Opposed, Nay. The Ayes have it, and the amendment adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR BOWLES:

Thank you, Mr. President. I apologize for rising the second time, but we have the other half of the fifth-grade class from Maryville School in Collinsville, and I would like to have them rise and have the Senate acknowledge...

PRESIDING OFFICER: (SENATOR MAITLAND)

Would the class please rise and be recognized. Welcome to Springfield. Nice to have you. Senate Bill 812. Senator Bowles. Senate Bill 820. Senator O'Malley. Senate Bill 820. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 820.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Members of the Senate. Senate Bill 820 amends the Sanitary District Act of 1936. Provides that sanitary districts organized under this Act may collect uniform and reasonable charges for permits and inspection fees. The bill attempts to still allow sanitary districts to distinguish between

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parcels for such things as number of connections and to adjust rates accordingly, but would prohibit a district from arbitrarily differentiating between two parcels that are otherwise very similar. Be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 820 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 56 Ayes, no Nays, no Members voting Present. Senate Bill 820, having received the required constitutional majority, is declared passed. Senate Bill 821. Senator Syverson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 821.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. Senate Bill 821 amends the intergovernmental agreement <sic>, which just allows intergovernmental agreement between municipalities on disputed areas. It comes from an area in Winnebago County where there is fast growth, and a couple municipalities have agreed to keep the area unincorporated, but share in the revenues generated from the growth in that area. Again, this is only for taxing districts that both agree in principle for that, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 821 pass. Those in favor will vote Aye.

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Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. Senate Bill 821, having received the required constitutional majority, is declared passed. Senate Bill 823. Senator Mahar. Senate Bill 824. Senator Mahar. Senate Bill 825. Senator Philip. Senator Philip, on Senate Bill 825. Senator -- Senator Philip, on 825? Senate Bill 826. Senator Philip. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 826.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Philip.

SENATOR PHILIP:

Yeah. Thank you, Mr. President, Ladies and Gentlemen of the Senate. The explanation on 826 is very clear. It's a -- it is quite frankly a vehicle for the RTA. If we would get something going on sometime later in the Session, we'd probably use it. We may not use it at all. Who knows? So let's pass it over to the House and see what we can work out.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Smith, is your light on for this bill? If not, just...

SENATOR SMITH:

I was just asking if you would please vote me for 821. I was talking at the time. Senator O'Malley's <sic> bill. Please. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. The record will -- will -- will note your comment, Senator Smith. Senator Hawkinson. Oh, all right. The question

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is, shall Senate Bill 826 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 44 Ayes, 5 Nays, 4 Members voting Present. Senate Bill 826, having received the required constitutional majority, is declared passed. Senate Bill 829. Senator O'Malley. Read the -- Senator Dudycz, for what purpose do you arise, sir?

SENATOR DUDYCH:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, sir.

SENATOR DUDYCH:

We have a local -- a guest here from Cook County has joined us, and I'd like the Senate to join me in welcoming the Clerk of the Circuit Court of Cook County, Aurelia Pucinski.

PRESIDING OFFICER: (SENATOR MAITLAND)

Will our guest in the gallery please rise. Thank you. Welcome to Springfield. Senate Bill 830. Senator Geo-Karis. Senator Geo-Karis, do you wish this bill returned to the Order of 2nd Reading for the purpose of amendment? Senator Geo-Karis seeks leave of the Body to return Senate Bill 830 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 830. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate,

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Amendment No. 1 re-creates provisions that were inadvertently left out of the bill last year. It specifies that at any open meeting for which proper notice has been given, a public body may hold a closed meeting without providing additional notice, and it requires that an agenda for each regular meeting be posted at the principal office of the public body and at the location where the meeting is to be held. And current law states that a public body may close a portion of the meeting upon a majority vote of a quorum present taken at an open meeting for which proper notice had been given, and -- and what this bill says, allows a body to have an executive session to discuss possibilities of obtaining property and so forth. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Geo-Karis moves the adoption of Floor Amendment No. 1 to Senate Bill 830. 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 832. Senator O'Malley. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 832.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Senate Bill 832 gives the Chicago School Superintendent the power to place nonperforming schools on

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remediation or probation; abolishes the current authority for subdistrict councils to do the same. This bill removes the subdistrict council from the remediation and probation process. Their remaining role is to be informed of any actions taken by the general superintendent or the subdistrict superintendent. The general superintendent is authorized to place nonperforming schools on remediation and develop remediation plans for all -- all such schools. A subdistrict superintendent may initiate the remediation process but must get approval from the general superintendent, and only the general superintendent may develop the remediation plan. The general superintendent alone may place the school on probation. Punitive action following at least a year of probation still rests solely with the Board. Be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Palmer.

SENATOR PALMER:

Senator O'Malley, why is this exclusively for the Chicago schools, rather than for all potentially nonperforming schools in Illinois?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Palmer, this is an initiative from the Chicago Board of Education, so it was drafted for that reason.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Further discussion? The question is, shall Senate Bill 832 pass. Those in favor will vote

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Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 54 Ayes, no Nays, 4 Members voting Present. Senate Bill 832, having received the required constitutional majority, is declared passed. Senate Bill 833. Senator Farley. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 833.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Farley.

SENATOR FARLEY:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 833 was amended, and that amendment becomes the bill and that provides that if an appeal in any proceeding under the Adoption Act is not completed within one year after the original petition for adoption was filed, the circuit or appellate court, as appropriate, must report the name and docket number of the case, the current status of the case, and the court's justification for the failure to complete the appeal within one year to the Supreme Court. The amendment language, which is now the bill, as I said, was suggested to resolve the separation of powers, powers concerned with the bill as it originally read. I worked with the Chairman of the Judiciary Committee and his staff to work on this language, and I would hope, Mr. President and Ladies and Gentlemen, that we pass the bill. The bill's purpose is to quicken the pace of adoption appeals in order to limit the time period in which the custody of adopted child is uncertain. We're all familiar with the -- Baby Richard's case, and I would hope this would be legislative intent to quicken that procedure, and I would move, Mr. President, a favorable roll call.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 833 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 57 Ayes, no Nays, no Members voting Present. Senate Bill 833, having received the required constitutional majority, is declared passed. Senate Bill 838. Senator Hawkinson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 838.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This bill provides that if an adult murders a child under twelve years of age and does not receive a sentence of the death penalty, that the sentence shall be natural life in prison. Be happy to answer any questions. Otherwise ask for a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 838 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 55 Aye, no Nays, no Members voting Present. Senate Bill 838, having received the required constitutional majority, is declared passed. Senate Bill 843. Senator Cronin. Senator Cronin on the Floor? Senate Bill 847. Senator Smith. Read the bill, Mr. Secretary.

SECRETARY HARRY:

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Senate Bill 847.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 847, amended, deletes the original bill, but since the public had very limited input in the crafting of Senate Bill 10, the purpose of Senate Bill 847, per this amendment, is to make sure that the taxpayers, other concerned citizens and AFDC recipients have some input in the development or replacement programs for AFDC. This amendment is a way to empower the people to assist themselves in making themselves self-sufficient and independent. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 847 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 57 Ayes, no Nays, no Members voting Present. Senate Bill 847, having received the required constitutional majority, is declared passed. Senate Bill 854. Senator Molaro. Senate Bill 868. Senator Hawkinson. Read -- read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 868.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hawkinson.

SENATOR HAWKINSON:

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Thank you, Mr. President. This is an initiative of the Illinois State Bar Association and the Clerk of the Fourth Appellate District Court. It is a cleanup of the administrative review process. I won't get into too much detail, other than to indicate that when there's an administrative review hearing and then the matter is taken to court, various parties have to be named as parties to the court proceeding. Right now, that is all persons named in the administrative final order. This provision, or the Bar Association initiative, provides that you will have to name all persons who are parties of record in the administrative proceedings. I'd be happy to answer any questions. I know of no opposition and would ask for a favorable vote on Senate Bill 868.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 868 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. Senate Bill 868, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, top of page 15. Senate Bill 891. Senator Petka. Senator Petka. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 891.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 891 is a -- a refinement of current case law. What this proposal does, which is -- which comes from the Cook County

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State's Attorney's Office, is to show a clear legislative intent that when multiple controlled substances are found upon a defendant, that there is an intent -- that a person can be prosecuted for multiple possession of -- of those controlled substances. I don't know of any opposition to this, and I would urge a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 891 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. Senate Bill 891, having received the required constitutional majority, is declared passed. Senate Bill 893. Senator Hawkinson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 893.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. The next three bills, sponsored by myself and -- and the Minority Spokesman on the Judiciary Committee, Senator Tom Dunn, are the initiatives this year of the Illinois Probation and Court Services Association. Senate Bill 893 provides that -- in the informal supervision by a probation officer of a juvenile, which comes before, or hopefully in place of, the adjudication of the juvenile as a ward, right now there can be that time of informal supervision of six months. This would extend the allowable informal supervision by a probation officer to twelve months. Be happy to try and answer any

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questions. Otherwise, ask for a favorable vote on Senate Bill 893.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 893 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. Senate Bill 893, having received the required constitutional majority, is declared passed. Senate Bill 895. Senator Hawkinson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 895.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This is the second of those three bills by the Probation and Court Services Association. This bill amends the Juvenile Court Act to require that a minor being supervised by the probation department pay a twenty-five-dollar-a-month fee or a lower fee to be set by the court. A parent, guardian or legal custodian may be ordered to pay some or all of the fee. It would not apply to those persons who are wards of the State. I would be happy to try and answer any questions. Otherwise, ask for a favorable vote on Senate Bill 895, as amended.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 895 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have

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all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 57 Ayes, no Nays, no Members voting Present. Senate Bill 895, having received the required constitutional majority, is declared passed. Senate Bill 896. Senator Hawkinson. Read the bill, Madam Secretary.

END OF TAPE

TAPE 3

ACTING SECRETARY HAWKER:

...(machine cutoff)...896.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This is the third and final bill on the present Calendar from the Probation and Court Services Association. It would amend the Code of Corrections to allow a court to impose an order of -- that imposes an order of restitution to extend the payment period beyond the current five-year limit if it is in the best interest of the victim. This bill passed the House last year, but didn't get over here in time to meet our rules. Again, I'd be happy to try and answer questions, otherwise ask for a favorable vote on Senate Bill 896.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 896 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have

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all voted who wish? Have all voted who wish? Take the record.,
Madam Secretary. On that question, there are 57 Ayes, no Nays,
no Members voting Present. Senate Bill 896, having received the
required constitutional majority, is declared passed. Senate Bill
931. Senator Klemm. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 931.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.
Senate Bill 931, as amended, helps to avoid the misuse of the
judicial disconnection process as a jurisdiction shopping tool for
high-density zoning. The -- a number of municipalities and the
City of Chicago included, have problems with jurisdictional
shopping of people disannexing from a municipality to get a better
deal at a municipality next door. There are eight different
reasons to disconnect. Two of them were changed by the courts.
There are still six that are current law. That law has not been
changed, and all we're doing is having a measure that will
stabilize the municipal borders by preventing the connection into
another municipality for a period of five years. I do ask for
your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is,
shall Senate Bill 931 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 41 Ayes, 12 Nays, 1 Member voting
Present. Senate Bill 931, having received the required

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constitutional majority, is declared passed. Senate Bill 934.
Senator Barkhausen. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 934.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. Senate Bill 934 is a recommendation that comes to me from constituents who are attorneys representing -- primarily representing disabled persons. They believe that the Trust and Trustees Act provisions dealing with trusts for disabled beneficiaries, which the General Assembly enacted a few years ago, ought to be amended to make it clear that the provisions dealing with disabled beneficiaries having trusts set up for them with their own funds are consistent with federal law. Federal law in this area was substantially amended and clarified in the 1993 OBRA legislation, as it's referred to, and this makes it clear that insofar as a trust of this kind, which meets the requirements of OBRA -- that insofar as it meets the requirements of OBRA, that it would satisfy Illinois law as well. Neither the Department of Public Aid nor the Department of Mental Health and Developmental Disabilities has any objection to this, and it would help out a number of individuals with disabilities seeking to have trusts established for them of this kind. I'd be glad to try to answer your questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 934 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,

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Madam Secretary. On that question, there are 57 Ayes, no Nays, 1 Member voting Present. Senate Bill 934, having received the required constitutional majority, is declared passed. Senate Bill 942. Senator Sieben. Senator Sieben on the Floor? Senate Bill 947. Senator Dudycz? Senate Bill 949. Senator Klemm. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 949.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Senate Bill -- thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 949 adds two separate changes to the provision of incorporation of two new municipalities. It's a very narrow filing date. By January 1st, 1996 is the date the petitions must be filed. And I know of no opposition and I ask for your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 949 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 56 Ayes, no Nays, no Members voting Present. Senate Bill 949, having received the required constitutional majority, is declared passed. Senate Bill 951. Senator Klemm. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 951.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill adds new language to limit expenditures from political campaign funds. Let me give you some items of what the committee has come up with. It prohibits a political committee from -- for any candidate for State, local, education or other office from making expenditures for the following: expenditures in violation of any law of the U.S. or the State; items that are clearly in excess of fair market value; repayment of -- of loans other than for the campaign; payment for items or services that benefits the candidate; clothing, laundry expenses, except clothing that is used by the candidate exclusively for campaign-related events; for travel expenses outside the State; for membership in clubs or organizations, however they can be used to rent those facilities if needed for a campaign-related event; payment for any item, service or expenditures of which the individual has been reimbursed before; purchase of an automobile, rather than you can lease an automobile for the use of the campaign; purchase or lease of equipment that's owned by the candidate; or salaries and compensation over three thousand dollars per month when you're not campaigning. And I'll answer any questions you may have.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Jacobs.

SENATOR JACOBS:

Yes. Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a -- a bill that I know that -- another one of these that we do so often that the media gets very happy with, and I know that many of -- of the media editorials will say, "This is what the voters said we wanted to have done on November 8th." I think what the people of the State of Illinois told us on November

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8th was to worry about how we take care of the funds entrusted to us that are their funds, and the funds that we're talking about in political campaign funds are not public funds. They are private funds. What you're trying to do here, Senator, in many respects, has merit. I think the problem we have is the bill goes too far. In fact, as I read the bill and then looking at the federal bill, your bill even goes further than what the federal bill does. It's my suggestion that if you want to take care of some of the ills that are currently available or are currently happening with our current ethics legislation on how we spend political campaign funds, we do that. I think this bill goes way beyond that. Let me give you one example. I wasn't aware you were going to call this bill today, and I had a number of -- of questions already drafted. I'll try to do them -- some of them by memory. But as an twenty-four hours a day, twelve months a year. So, could you give me your definition of what a campaign season is?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

If you're a designated candidate in a primary or general election and you have to determine when you decide to run for office. You make the announcement. You are the one who determines when you're running.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

So, okay then, then we have to determine when we go from campaign mode to governmental mode, under your legislation. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

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I'm not quite sure I follow. To determine when you go from one to the other? All you have to do is determine when you're a candidate. That's all. The rest of it is what you are, if you're elected official.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

That's correct; however, the problem we have with that, Senator, is at one time you're under certain provisions -- under your bill, you're under certain provisions of the Act which says you are in a campaign mode; the other time you have ethics that qualify for the governmental role. And what you're, in effect, saying is -- you know, even in the federal government, as an example, when it comes to automobile usage, they have what they term an ad <sic> minimis, which means that if you use a vehicle minimally, you don't have to reimburse; you don't have to go through all the paperwork. Under your proviso -- under your proviso, we would have to -- even if we used it to go to the corner gas station and it wasn't truly needed to get gas, we may have to reimburse our campaign fund that amount. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

No. It says that purchase or lease of a motor vehicle is prohibited unless it's primary use is for governmental or political purposes. Now, you can use it occasionally for other things, but if the primary purpose is for governmental or political use, you can still continue to do it. But if you wish to get -- buy or lease a car for your wife out of campaign funds and just give her that perk from the contributions, that would not be allowed.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator -- Senator Klemm, just a moment. Senator Collins, for what purpose do you arise?

SENATOR COLLINS:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point.

SENATOR COLLINS:

Today we have visiting with us the Irving School from Maywood, Illinois. The seventh- and eighth-grade class. They are in the gallery, and I would just like for them to rise and be recognized by the Senate.

PRESIDING OFFICER: (SENATOR MAITLAND)

Will our guests in the gallery please rise. Welcome to Springfield. Senator Klemm, I apologize. Senator Klemm, had you finished, sir?

SENATOR KLEMM:

Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Senator Jacobs?

SENATOR JACOBS:

Well, I -- I don't know if we really got an answer on that -- that last one. You indicated that -- that the intent is one thing, and I understand what the intent is, but that isn't what the language says. And the language says that if you, the candidate; you, the governmental employee; you, the -- the person in the duties of their government, use that at all for what could be -- someone else may construe or the Board of Elections may construe to be personal use, at that point in time then we're going to have to reimburse that vehicle, even if it be fifty-eight cents.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

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SENATOR KLEMM:

Well, you're interpreting it incorrectly. On page 2 you notice that we say you -- you can use your campaign committee monies to further a candidates nomination or election to office or for expenses incurred in the performance of governmental duties. I think we've opened up everything you've been able to do in the past. We have delineated some of the things you cannot do, some of the abuses. What you're referring to the automobile, as you explained it to me, would be permissible.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Dunn. Senator Jacobs. I'm sorry.

SENATOR JACOBS:

Of course it would be permissible, but it's also reimbursable and we're going to have to keep track of that. We're going to have to ensure that we tell the Board of Elections for everything. As I indicated, the federal government even puts in their bill - which, to me, is less onerous than this bill - an ad <sic> minimus, which says that -- in effect, that if you use a car minimally, even though it be a campaign car and you happen to jump in it to -- to go to the hospital for -- on a quick deal and you didn't even realize it - you jump in and do it - you're going to have to reimburse that campaign fund for that, and I think that's a lot of effort for -- for really nothing. But without belaboring that issue, also we're throwing all of these decisions, on whether or not there may or may not be a violation, on the State Board of Elections. Now, the State Board of Elections has not had a very good track record on anything they've done, but yet, we're going to give the State Board of Elections the authority in order to be able to police this action. And I -- I stand here to tell you - I don't even know where they stand it and really don't care much, but yet, at the same time, I -- I maintain that they don't have

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the personnel available to do this, and it's going to be a tremendous cost of taxpayer money to regulate something that is not taxpayers' money. I think the issue here is, we have enough problems trying to take care of the taxpayers' money without worrying about our money or campaign funds that are given to us by contributors who tell us nine out of ten times, "Here, this is for your campaign - use it." And much of that fund is interspersed with what we do even governmentally.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Tom Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. Question of the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Dunn.

SENATOR T. DUNN:

Senator Klemm, do I understand, under this bill, that we would be permitted to collect three thousand dollars a month in salary if we were unemployed?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

You -- you could receive three hundred dollars -- or, three thousand dollars salary per month if you have no other income, yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR T. DUNN:

Why work if you can get thirty-six thousand dollars for doing nothing, Senator Klemm?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

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SENATOR KLEMM:

Well, right now you can take a hundred thousand dollars out of it, couldn't you? And we're trying to limit it somehow. We're trying to make it reasonable, because people have said there are instances where people have given up their jobs or have to take a leave of absence to campaign, and that would be appropriate. So we tried to do a certain amount of limited amount that people felt was reasonable during that campaign period. So this does restrict what you could have done under current law.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR T. DUNN:

Senator Klemm, you're then saying that it's okay to collect thirty-six thousand dollars a year, but we're going to watch the clothes you buy and make sure that you only wear them during a campaign? Does it also say that?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Well, I think the whole thing says not only that, but it probably says that you should only use the expenses that people give you for the purpose that they gave it to you for, not for personal gain, not to make a profit, not to get a whole wardrobe and try to rationalize it in saying, "Well, that's what my voters wanted me to do." I don't think so. What we tried to do is allow you to do everything you probably can do now, and I think the previous Senator was -- has misinterpreted what this bill does say. But, yes, you can't buy a whole new wardrobe just willy-nilly because you think it's good for you. That's all.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR T. DUNN:

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Senator, is it also true, under your bill, that the -- the State Board of Elections would have the right to review the personal financial records of -- of candidates?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

If the Board of Elections do -- does receive a complaint that you've violated some of these provisions, they would have the authority to look into it, yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR T. DUNN:

Senator Klemm, how does that square with Fifth Amendment rights?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Could he repeat the question, please?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR T. DUNN:

How -- how does -- how does the right -- and there will be complaints based on the -- the political climate that's existed in the last three or four elections that I've partaken in. How does the right of the State Board of Elections to investigate personal financial records square with the Fifth Amendment right?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Well, I don't believe the State Board of Elections is going to go into and look into your investigation of your income tax return. I think most of your -- your problems here are -- are the

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twelve that are enumerated that certainly is pretty easy to -- to verify, it would seem to me. I don't have a problem with them looking into a complaint that I'm using my money inappropriately. I don't think you should either.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR T. DUNN:

Senator Klemm, assuming that the State Board found you were in violation of their rule, are they under an obligation to turn that information over to the Internal Revenue Service?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

No, they are not.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. Chairman. This is not so much as a question, as a comment. Would Senator Klemm yield, please?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Bowles.

SENATOR BOWLES:

As I understand it -- and I -- I had a communication and I'm satisfied that other Members of the Senate had the same communication from Executive Director Ron Michaels on -- excuse me, as to the fiscal impact that the complaint hearings would have on the budget of the State Board of Elections. And of course, we understand that it would be determined by the number of complaints that were filed, naturally, but that it definitely would have an impact.

PRESIDING OFFICER: (SENATOR MAITLAND)

Was that a question, Senator Bowles?

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SENATOR BOWLES:

It was more in the form of -- of a comment, and I -- I wondered whether Senator Klemm had received that information.

PRESIDING OFFICER: (SENATOR MAITLAND)

Okay. Further discussion? Further discussion? Senator Berman.

SENATOR BERMAN:

Thank -- thank you, Mr. President. Ladies and Gentlemen of the Senate, I just invite you to think for a moment as to what we are being asked to do here. It -- politicians, as a group, have a terrible reputation, and what we are doing here is adding additional opportunities to ruin that reputation even more so, because I will give you a hypothetical: The person who is anticipating running against you, or his cousin or her cousin, will file a complaint with the Board of Election commissioners, under this bill, whether there's any purpose to the complaint or not. It will make the local paper, and you have -- you - everybody on this Floor - will have the job of refuting that complaint. This is a great - a great - boon for nonelected officials to knock incumbents out. I don't care what you do, I don't care what you've done or not done, a potential opponent is going to file a complaint just to get you on the defensive. And if you come from a district that you're not worried about, a -- if you're a Republican, you don't worry about a Democrat, or a Democrat not worrying about a Republican, let me just tell you that the Republican Chairman -- or the Chairman of the Republican State Committee could file a complaint against every one of the Democrats, and the Chairman of the Democratic State Committee could file a complaint against every one of the Republicans just so - just so - you've got to start explaining what you do with the money that people have given to you because they like what you're doing, they like the way you represent them. And no one - no one

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- has questioned you, until now; we're going to give them a forum - a forum - to question us. Come on. Why do we want to do this? We're silly. There's enough of a test at the election time, at the ballot box. We are put through challenges that nobody else every does. We run for office and they turn us inside out, as they should, but let's not be stupid and invite State money to be spent to -- to give us a greater negative image than the one that we already bear. I urge a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Hendon.

SENATOR HENDON:

Senator Klemm, I'm reading here and I want to just make sure the analysis is correct. On point number two, it -- it says that further, to determine if there is a violation -- and, Mr. Chairman, I can hardly hear myself. I know no one else -- maybe -- maybe people don't care, but this is very important, especially to those of you who are in business or have a business, in addition to serving here in the Senate, because it says further to determine if there is a violation - not once they find that you are in violation, but just to determine if there is a violation - the State Board of Elections would be empowered to review your personal records - your personal records, Ladies and Gentlemen of the Senate - to determine if you're in violation. Now my question is, is this an accurate analysis here, or -- or are they in error?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

I'm sorry. I don't have your analysis. I don't know what

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point number two you're talking about, Senator. If you'd hand me one of your copies, I'll try to respond.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. Well let me ask you then: In your bill, does the State Board of Elections have the right to look into your personal records to find out if you're in violation of anything? So, you could be perfectly innocent - perfectly innocent - but yet, would you have to turn over your income tax returns, would you have to turn over records of your businesses, would you have to turn over all of your personal records to the State Board, before you're found in violation?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

No, they would only have the investigative -- to look at your campaign expenditures.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hendon.

SENATOR HENDON:

So -- so you're saying, because I thought I heard you answer Senator Dunn and say that, yes, they do have the right to look into your personal records, and now you're saying that they don't. Now, I need to know which is it? Maybe you need to take it out of the record until we can find out it, because that's my problem with it. I understand what you're doing, and I have no problem. I've filed against some people myself. Matter of fact, I have two pending, and I hope they get 'em. But personal records is a whole different ball game, and I -- I think that we all need to be clear before any of you vote on this. You're giving somebody the right to do what the IRS should only have the right to do, and some of

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their rights should be limited. But to give it to the State Board, or any board of elections, I just have a problem with that, and I want to be clear on that. Do they have the right to look at your personal records or not?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Well, I -- I didn't mean to mislead you. What -- what the bill says is they have the authority to investigate, upon receipt of a complaint only, violations of provisions of this Section only. Nothing else. Not your income tax. Nothing else but the Sections we're talking about. That is limited to that.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator -- Butler.

SENATOR BUTLER:

Excuse me. I think that clarifies what I was going to ask you. They cannot go into our personal records under -- following a complaint. That is positive, right? Okay. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Collins.

SENATOR COLLINS:

Senator. Senator. Senator, would you please give me a clear definition of personal records, as confined in this bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Well, I -- I don't know. I don't use it in the bill. It's not part of the bill. You can use your own interpretation of what

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you want personal records. It's not covered in this bill. So why are we talking about it, as far as a definition is concerned?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

Well, Senator, I -- I'm really confused now because all the discussion has been centered around that -- the fact that the bill is allowing the Board, after complaint has been filed against you, to examine your personal record. Now, you've said that it didn't include income tax and some other things. So I want to know, what is the definition, as it relates to this particular Act, of a personal record? Because, see, I'm confused. In the -- in the last election -- and let me give you an example. Senator Berman touched on it here, and I am a living witness to what happened in the last election. My opponent - the Republican Party - filed complaints and charges, and we were -- the Board - you said they don't have the right to do so - they examined and requested personal, I consider. My American Express records are personal records. And they were requested, and they reviewed personal records. So now, I don't know what you're talking about. So give me a definition of personal record, and if they didn't have the authority, which I know they didn't, to do so, but the media -- they played the media game, and it worked in their favor. And you know it and I know it, but you give me a definition.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Well, Senator, this bill doesn't add anything more than they -- what they have now, and I didn't think they could go to your personal records, and I was honest when I said that. Now you said, in the real example, they did go, under current law, in your personal records. I wasn't aware of that. This does not change

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that anymore than what the law was before. I didn't think they could have. You say they can now. This doesn't change that, Then it doesn't give them any more authority to do that. I didn't think they could have done that.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

I don't think -- and I know they -- legally they couldn't do it now, but they did it, and so this bill, as Senator Berman said, is basically to codify a practice that they most certainly did. And it worked very successfully for the Republicans the last time around. And so now you want to legitimize that particular practice. No, they don't have the authority to do it, but they did do it. The media -- they played the media game, and it worked.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Members of the Senate. With all due respects, I think I have to disagree with the sponsor's interpretation and that is because I'm reading the bill. And if -- the State Board shall have the authority to investigate a violation of the Act. Now, what are we violating? Did the person take three thousand dollars a month? No, that's not the issue. Did they have other income is the issue. How do you prove whether or not a person had other income? You have to go to IRS records, things like that, to determine whether or not they had personal income. Were the payments for items or services that benefitted the candidate? It won't be on the face of the check, I assume, so you'd have to go and say, "We can subpoena your records to see if you received any benefit from the usage of that particular item that was paid for by campaign expenses." Likewise for travel or

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other purposes. Was the travel necessary for government or political purposes? So they're going to go in and say, "Where'd you go? Who went? What was the purpose?" And they can go into your other records, I believe, from reading the Act. The only way that they could determine whether or not there was a violation was to go beyond your campaign documents, to go into your other books and records to determine, in fact, whether or not this was income, whether or not it was an expenditure, how did you use the funds, things of that nature. Likewise with the vehicle. If you happen to take a vehicle for campaign purposes, whether it's for a month or a year, and someone complains about it, what records will they demand? Probably the same type of records the IRS demands to show what mileage you put on it, where you went, things of that nature. So I guess the bottom line is, if you like an IRS audit, you'd love the implications of this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. First of all, a statement and then a question. There is no way, Senator Klemm, that you can determine if someone used something for personal reasons without going in their personal account. So to even suggest they don't have the right to investigate your personal accounts is sheer folly, because whatever evidence they would need in order to prove that you did it personally would only come through your personal accounts - unless, you know, somebody's got a good imagination. Secondly, I have a question. If you, in fact, abided by this bill, would this indemnify the IRS from coming after you?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

I don't think that it would indemnify the IRS from

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investigating anything that you would have in your tax returns or anything else.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

I didn't say indemnify from investigation. Indemnify from prosecution. Because if you're setting up standards that determine the differential between personal and campaign use and you abide by the laws of the State of Illinois, does that indemnify you then against federal law, which might well have a different interpretation than you have right here? And that's the question.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Well, the standards that the IRS requires are far more severe than -- than what this bill even purports to do. So I don't see where you'd have a problem. If your -- you got problems of using campaign funds for personal uses, you'd have to report that as personal use anyhow. You'd have to -- in order to use that as an expense, to charge it off, you have to account for that to the IRS regardless. So, I mean, this is not requiring more than that. Certainly is requiring a lot less. In fact, it allows you to use the dollars for any governmental or campaign activity. That's about as open as you could get. If you're afraid that you're doing something wrong and you don't want to be looked into - as some of the Senators said, "I don't want this to happen" - yeah, then maybe you've got to have a little bit of better accounting procedure. That's correct. Many states, as you know, don't allow any use of campaign funds for anything personal. This does not go even half that far.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator DeAngelis.

SENATOR DeANGELIS:

Well, that's precisely my point. The point is that there's a better and greater body out there to make that determination. In fact, let me point out to you a couple of things in this that I -- it never occurred to me to ever use my campaign funds for, and I'm not so certain that I would, but you've really opened up some avenues that I had never thought of. Let me tell you, the most flagrant abuse of campaign funds is absolutely sanctioned in this bill, and that is the ability to pay back personal debts when you campaign. Your personal contribution is a contribution. I ran against a guy that put a million seven hundred and fifty thousand dollars of his own money in a campaign. His name was Dick Phelan. Now, the first thing he did after he won was to hold fund-raisers to pay off the debt. Campaign debt? Wrong. It was to pay off the contributions that he had made to his own campaign. And I have to tell you, I'm a little miffed at Common Cause, 'cause I did something which I thought was really great about eight years ago, and they got all over my donkey about it. And I'll tell you what I did. I was a -- I was a delegate to the Christopher Columbus Quincentenary Jubilee Commission, and I chose, rather than accept reimbursement from government for it, to use my campaign funds on one trip to go to one meeting. They sat there -- one of my opponents -- blasted me for taking this trip. And you know what I did afterwards? Every time I went, I charged all of you for it, and I want to thank you for it. I really do, 'cause the great issue by Common Cause, that I shouldn't do this, allowed me to pick your pocket, rather than to take it out of these contributions that were given to me by people who were in support of me. You know, everybody wants good government, but I got to tell you, there's nothing in here that's going to make it more popular. And somebody said it -- I can't remember who said it:

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All it's going to do is give everybody an opportunity to -- to take a poke at you who doesn't even know what the hell they're even talking about.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? For a second time, Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. -- thank you, Mr. President. I do apologize for rising a second time; however, I really wasn't through the first time. I think that Senator Dunn alluded to a couple of things that I think need some clarification. As an example, under your bill, Senator, if I want to rent a tux five times a year at eighty bucks a crack, I can do that, but I can't go out and buy a tux, which would actually save my campaign fund money over the period of years. I can't buy it, but I can rent it. That just doesn't seem to make any sense to me. Also, just a final thing: We already sign an ethics statement. We -- the Income Tax Code takes care of most of the problems that you're -- seem to be worried about here. I would agree with what Senator DeAngelis said. There are some things in this bill that are good, and I would recommend you take it out of the record, clear it up, clean it up, and if there are some specific problems, which the press always uses -- whether you buy a car that is not the type of car someone thinks you should use then they can come down on you. One final thing: Membership for club or club dues charged by organization, clubs or facilities that are primarily engaged in providing health, exercise or recreational services. Now, we all have different ideas of recreation. This conceivably could even say that this would affect Elks dues, it could affect dues to a fraternal organization. You can say not, but it depends on the interpretation of recreation. We all have different recreational activities. I just think overall this bill is flawed, and I would urge a No vote, or a Present vote.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? For a second time, Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I apologize for rising a second time. Will the sponsor yield for two quick questions?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Hendon.

SENATOR HENDON:

Senator Klemm, I have the bill in front of me and it says here, on page 2, that we cannot -- the committee cannot make expenditures clearly in excess of the fair market value of the service, materials or other things of value received in exchange. Let's say a Senator -- some Senator is running for president of county board, like Senator DeAngelis did, and he has a thousand-dollar-a-plate fund-raiser and clearly the chicken is only worth twenty-five dollars a plate. So this is way over the -- fair market value. Would the committee be able to buy a thousand-dollar ticket or not?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

We're talking about your expenditures, not what somebody makes a contribution to you for.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

Mr. President -- Mr. President and Members of the Body, you need to hear this, 'cause a lot of you have -- I have a fifteen-hundred-dollar fund-raiser coming up. Now it says here a political committee shall not make expenditures clearly in excess of the fair market value. Now I guarantee you, those little hors d'oeuvres I'm serving are not worth fifteen hundred dollars. So,

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would -- would Syverson or anybody else be able to buy these tickets or not?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

It would not prohibit you from purchasing that ticket, and I think you know that. This is obviously that you're not buying a -- a photocopier from your brother-in-law and giving him three thousand when it's a thousand-dollar list price. Sure, you're trying to prevent some of the abuses that we've seen in the past. I know nobody here does that, but I'm trying to prevent it from happening in the future for others. And this is not -- what you had used as an example would -- would be prohibited.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

One final example and I'm finished. It says here, number (5), on page 2, that you cannot -- a political committee shall not make expenditures for clothing or laundry expenses, except for clothing items rented by a candidate for his or her use - listen to this everybody - exclusively for specific campaign-related event. Now let's say hypothetically that I switch to the Republican Party and decide to run for county board president of Cook County as a Republican and Pate Philip is supporting me, and I have a fund-raiser. And after that fund-raiser, I say, "Pate, let's go out for a couple of drinks." Will we have to go home and change clothes before we could go to the local bar and get -- get lit? It's a serious question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I have a

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campaign committee. I cannot sign my checks. I mean, if I have any -- any expense, I have to give a receipt to my campaign treasurer. And let me tell you something: This bill's going too, too, too far. It says here, they can't pay items for services or benefits for the candidate. Well, if I have to go to the Governor's fund-raiser, I can't take the check out of there. If I have to go to another office's fund-raiser, I can't take the check from there. This is ridiculous. We're going too far afield. For heaven sakes, they're willing to check my expenses and what have you, and I think we should. Like the example given by I believe it was Senator Jacobs. They won't let you buy a tuxedo which will be cheaper, but you can go and spend a hundred dollars to rent the whole outfit about five or six times a year. The tuxedo might cost you a hundred and fifty dollars. I think, much as I love the sponsor, and I love you dearly, Dick, I cannot agree with this bill. It's far, far, far gone, and I speak against it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Klemm, do you wish to close?

SENATOR KLEMM:

Well, let me -- let me tell you, there was no intent on my part or all the players who've tried to work this out to embarrass any legislator. And you know that. It was an attempt to make some limitations of abuses that have been called to our attention and some plain, good government use of campaign expenditures and contributions you receive. And I know the problems you've had. Many of you came to me and we tried to resolve them all. We tried to do that in allowing any governmental activity or campaign expense to be appropriate, except we listed a few that were excesses and abuses. And I understand that. I thought the mood of the Senate would be to try find some reasonable changes. I'd like to move it to go to the House and maybe we can correct it some more, but I don't want to embarrass anybody either. And if

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I'm going to do that, I'll pull the bill out of the record, but I'd like to see it move to the House so that we can make the changes there to improve it. Now, those of you who wish to -- you know, use your money in different ways, I guess that's your choice. You know. But I'd like to -- I would like to see if we could move it over there and try to correct your problems, because I think everybody in this Chamber agrees we need some reform in this area, at least, well, most of you, I guess. Some of you are nodding no, but... So, I guess what I'll have to do then is take the bill out of the record.

PRESIDING OFFICER: (SENATOR MAITLAND)

Out of the record, Madam Secretary. Earlier -- Ladies and Gentlemen, earlier leave was granted to return to Senate Bill 885. On Senate Bill 885, Senator Severns.

ACTING SECRETARY HAWKER:

Senate Bill...

PRESIDING OFFICER: (SENATOR MAITLAND)

Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 885.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. Senate Bill 885 is the payout for Senator Hall's widow. And that's all it is, and I would move for favorable passage.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 885 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all

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voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. Senate Bill 885, having received the required constitutional majority, is declared passed. Senate Bill 954. Senator O'Malley. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 954.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Senate Bill 954 amends the Code of Corrections. It provides that a convicted felon may not hold an elected office created by the Constitution or by law until five years have passed since the completion of his sentence. Deletes existing prohibition against elected constitutional office until completion of sentence. The State Constitution -- this is just for background: The State Constitution provides that a person who is convicted of a felony, bribery, perjury or infamous crime is ineligible to hold State constitutional office, except his eligibility may be restored by law. The Municipal Code provides that a person convicted of an infamous crime, bribery, perjury or other felony is never thereafter eligible for elective municipal office. This provision was declared unconstitutional in 1980 in the Third District Appellate Court in a case called -- Coles versus Ryan. The court ruled it to be arbitrary and capricious to treat restoration of rights in municipal office more harshly than restoration of the right to constitutional office. As amended, this bill will homogenize the Code of Corrections, the Election Code and Municipal Code provisions which govern the right to resume elected office following a criminal conviction. It says

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that the -- the right is restored five years after completion of sentence in all the categories. Be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. Chairman. This is a wonderful bill. It should be longer than five years. Some of you may know, we have a bank robber about to be sworn in as Alderman of the 27th Ward, absolutely ridiculous. I -- I support this bill one hundred percent. We do have a stronger bill that will allow them to never hold office in Illinois, and I ask for an -- an Aye vote. And if I could be a chief cosponsor with you, I'd be glad to do so. And when we send it over to the House, let's lengthen that to about twenty years.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator DeAngelis.

SENATOR DeANGELIS:

Was this bill suggested to you by Alderman Tillman?

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator -- Senator Molaro.

SENATOR MOLARO:

Yes, thank you, Mr. President. Is this -- will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

He indicates he will yield, Senator Molaro.

SENATOR MOLARO:

Okay. Senator from Chicago indicated a bank robber, and I

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could understand that. But let me ask you this: Are we talking about conviction of any type of felony whatsoever?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Yes, we are.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

I guess this would then be a redundant question. So felony theft -- if you're convicted of felony theft and get conditional discharge - as you all know, states as a conviction - then you would be barred from running for any elected office for five years? Okay. One last -- one last question then, if I may, because he answered by nodding his -- his head. Where did five years come from? Why not three or why not ten or twenty, as -- as Senator from Chicago suggested?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Molaro, I think you have to start somewhere. It's clear that the state of the law in Illinois is very unclear because of Coles v. Ryan. If anybody would like to entertain a -- a higher number, I'd be happy to do so and -- and join with them. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator O'Malley, you wish to close? The question is, shall Senate -- the question is, shall Senate Bill -- I'm sorry. Senator Collins, your light was not on. Senator Collins.

SENATOR COLLINS:

Yes. Thank you. Is running for office the only right that

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will not be restored to this person once they serve their time and get out?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

This bill deals with the right to hold elected office.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

And -- and so you feel that it is all right to -- to not to -- to restore the right to vote and all other rights to a person who has served their time, except - except - they cannot run or hold elected office.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Again, Senator Collins, this bill addresses the issue of -- of the ability to hold public office and a position of trust.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Shaw.

SENATOR SHAW:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Shaw.

SENATOR SHAW:

And I just want a point of clarification. Is -- some of these people that are convicted, let's say that they are doing -- they do two years on a felony and then they're on parole for, let's say, six years. Could that person, under this bill, run for political office?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

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SENATOR O'MALLEY:

The answer to your question, Senator Shaw, is that that is part of their sentence and -- and the -- the five-year period runs from the conclusion of their sentence.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw. All right. Further discussion? Senator O'Malley, you wish to close now? Okay. The question is, shall Senate Bill 954 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 53 Ayes, no Nays, 3 Members voting Present. Senate Bill 954, having received the required constitutional majority, is declared passed. Senate Bill 964. Senator Garcia. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 964.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. Senate Bill 964, as amended, was passed out of the Public Health Committee with no opposition. It requires the Department of Public Aid to establish policies and procedures under which units of local government that do not receive State funds for general assistance purposes may refer individuals for participation in the Earnfare programs operated in the same unit of local government that receive State funds for general assistance purposes without displacing other recipients, provided Earnfare slots are available.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Clayborne, for what purpose do

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you arise, sir?

SENATOR CLAYBORNE:

Yes. I was out of my seat. I was intending to vote Yes for that, on the record.

PRESIDING OFFICER: (SENATOR MAITLAND)

The record will show your intent, Mr. -- Senator Clayborne. Is there discussion? Is there discussion? The question is, shall Senate Bill 964 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 54 Ayes, 2 Nays, no Members voting Present. Senate Bill 964, having received the required constitutional majority, is declared passed. Senate Bill 971. Senator O'Malley. Senator O'Malley, on 971. Senate Bill 974. Senator Molaro. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 974.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Last Chicago election, for primary election for mayor, there was a dismal turnout, as we all know. Some wards voted less than twenty percent. As they went and looked at some of the reasons for it -- we have gangs in the City of Chicago, sad to say, and as a matter of fact, gangs throughout the State of Illinois. There have been recent editorials where gangs are beginning to take part in the electoral process, much like some of the hoodlums did back in the early twenties. And what we want to do is, some -- if some individual or group wants to get involved in the electoral

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process, that's fine, but to bring their tactics of intimidation and strong-arming is not. And part of the process was because of the fact that people in certain neighborhoods of the City of Chicago were afraid to come out. And what was happening is, gang members - former gang members - would go around campaigning for people. As you well know, you cannot campaign, wear political paraphernalia, within a hundred feet of a polling place. But what was happening: Gangs - known gangs - with known gang colors and symbols were out there campaigning. On election day, they would be right next to the polling place, right inside the polling place and stand there in a provocative manner, either wearing gang colors or giving gang symbols as people came in to vote. Now, that was very, very intimidating and a lot of -- a lot of voters would come in, see these gang members standing near the polling place giving gang symbols and turn around and walk right out. It was too intimidating. So what we did was we put in a bill that says that it is against the law to wear gang colors or gang symbols. The definition -- and I know sometimes when you get in definition of gangs and what they are is -- is difficult, so what we incorporated into this bill is the definition that has been passed by this Legislature which is in the Streetgang Terrorism Omnibus Prevention Act, which is Act 147, and the definition of streetgang and gang is incorporated in this bill. And that passed the Senate and that has been upheld, what the definition of a streetgang or a gang is. So I would ask your consideration and favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Shaw.

SENATOR SHAW:

Will the sponsor yield, Mr. President?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Shaw.

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SENATOR SHAW:

While I concur with many of your views, Senator, let's -- let's start by talking about these colors. You've -- and I don't have the bill here. What is a gang color?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

It would be under the definition of streetgang. I mean, if you -- if you would like me to read it, it's a -- it's a color that's been adopted by the streetgang as a known streetgang that is strictly -- and I'll read it to you: Membership through the agency or member and at direction, order, solicitation, or other governing or policy making person or authority in the conspiracy, or any agent or deputy of such person or authority engages in the course of or pattern of criminal activity; through its membership or through the agency of any member engages in a course or pattern of criminal activity.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

So, in other words, if I wear black and white, this might be a gang color.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

No.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

What I asked is: What is a gang color? Is it red and green?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

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SENATOR MOLARO:

Well, the -- the answer to that question, it all depends on -- it's like any other words. What's fighting words as opposed to what words would create an assault, what words would create a -- would be furtive action. This all depends on how they're used and how they're worn and -- and what type of activity you're engaging in. Just like a gang. Six people hanging together is not a gang. Six people that are brought together to intimidate or criminal activity is a gang. Colors that are worn strictly to wear colors, of course not. Obviously when we talk about gang colors or gang symbol, so I could use my fingers to give a symbol that is meaningless. But if they're used to denote a gang or used to provoke, then they would be considered a gang symbol.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

I agree and I'm sympathetic to your plight here, but I know youngsters in the community, they wear all kind of colors in the community. And I'm trying to figure out how the police is to deal with this in making the determination on what's a gang and what's a gang color.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Molaro.

SENATOR MOLARO:

...that's a question, but I'll try to answer it. Both the State Police, as well as the City of Chicago, have -- have informed me, as well as suburban police departments I have talked to, have a list of all the gang activity in there. There is a network that the Attorney General is involved in. They know all of the gangs, the gang colors and gang symbols. Now if anybody wants to talk about abuse by the police department, well, I mean, I think that's -- you know, going too far afield. The police

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department -- if I'm in a precinct and I know the police officer, the police officer can abuse his discretion at any time and anywhere and any type of activity. So if I know the police officer and I don't like somebody else standing there, I could say he's been rowdy and the police officer can say, "That's disorderly conduct; you're under arrest." So a police officer can abuse it at any time. We're assuming that police officers won't abuse any -- any law, including this one.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Shaw.

SENATOR SHAW:

To the bill: I think that -- and certainly, I'm not being sympathetic with gang members and so forth, in terms -- especially in terms of intimidations at the polling place. I think that the electorate should have an opportunity to go and cast their vote. But when you get into identifying colors, particularly in the African-American community and many other communities around this State, young kids will go and buy, like, the Starter jackets and the Starter jackets -- I don't know how many colors they come in, but they -- at one time, they were killing people in Chicago - and you know that, Senator, in your district - for Starter jackets and so forth. The Starter jacket could have been classified as a gang color, and as something that gangs where to identify certain gang members, and -- but when you leave this to the police, to make this determination, I think that's going a little bit too far. Certainly, I would like to rid not only Chicago, but all of Illinois of gang members. I want to help you do this. But at the same time, I don't want you to give that discretionary power to the police department where that they can make the determination and just go around wholesale locking up people. I think this is -- is a bad concept here. I know your intentions. I know what you're trying to do, and certainly I'm willing to work with you in

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terms of doing that. But they have tried this in the House some years ago, when I was -- served over there, and it didn't go anywhere then, and I don't think it'll go anywhere now. But certainly we need to look at this, and if this bill should get out of here, I would hope that you would work with Members of the House to try and come up with -- tighten this bill up somewhat, where that we just won't allow the police to arbitrarily go around locking up innocent people and saying -- and branding them and giving them a record, saying, "You're a gang member." I think it's a danger in this -- in this type of legislation, unless we tighten it up.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senator Molaro, I think you're trying to address a very real problem here with this bill, and one that is increasing. We saw it in the last election in the City of Chicago, but as Senator Shaw has said, I think the bill needs -- needs some work. I'd like to support it, and I will support the bill so that we could get it over to the House -- to the House and work on it some more. But colors are not that big of a deal these days. At one time, you could tell by how a youngster wore his cap. But hand signals are still out there; they're commonly used. I don't think police officers are trained or equipped to identify all of those hand signals. We've heard instances where youngsters have -- have been attacked. Individuals who use sign language were attacked because they -- the gang members thought that they were representing a gang. So, there are mistakes that get -- get made, and I think we need to -- we need to address that. We need to tighten this up and define exactly what we mean by color symbols and paraphernalia. But I just want to add one more point and that is that there's also intimidation that's taking place

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with the use of absentee ballots. Right now, the easiest way to steal votes, particularly in the City of Chicago, is through the use of absentee ballots, and there's nothing more intimidating to someone who is voting by absentee to have someone come to their door that they know is a gang member, to talk to them about that absentee ballot or to collect and pick up that absentee ballot. This bill does not address that, and I'd like to see us add that in the House.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senator Molaro is attempting to address an issue that was brought to the attention not only by elected officials that were incumbents in certain areas that -- whose constituents were harassed or, in some cases, frightened by gang intimidation. Although the example of gang colors were -- was made, gang colors by themselves, or colors by themselves, does not constitute gang activity just because of the mere fact of a color. I think the issue of possible intimidation or gang colors worn in combination with either signing or gang paraphernalia or actual gang-related individuals who are known to hang with certain gang members are all taken in and considered by Chicago police officers and not just the City of Chicago, but all over the State of Illinois. This was a well-intended piece of legislation and I would just ask that our Members on this side of the aisle give Senator Molaro their support.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. I -- I also stand in support of this bill. I -- I'm a little perplexed by the opponents of this

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bill. It's -- it's quite simple. It says that no gang symbols, gang colors, or gang paraphernalia may be displayed within a polling place or within one hundred feet of a polling place, much like campaign literature. We're talking about gang symbols, not signals. Signals you could signal with your hand or -- or cock your head a certain way. That is not being addressed in this legislation. You're talking about symbols which are used or -- or paraphernalia which is being used by vicious, violent gang members in the streets of Chicago today as an intimidation factor, trying to intimidate voters for or against an issue or a candidate. This is a good piece of legislation, and I think that it should get fifty-nine votes.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. Chairman. Just to the bill: First of all, the biggest intimidators in the City of Chicago are the city workers and that's who we should bar out of the polling places. First -- secondly, it's the mayor's office. We need to bar them out of the polling places. My problems with Senator Molaro, who is a very dear friend of mine, is that right now Senator Denny Jacobs is wearing gang colors, Senator Parker is wearing gang colors, Senator Geo-Karis is wearing gang colors, Senator Mahar is wearing gang colors, Senator Karpel is wearing gang colors, and I could go on and on and on and on. The colors -- every color in the rainbow is used now. There are twenty-five branches of the Gangster Disciples in the City of Chicago alone. Twenty-five different sets of colors, Bobby, and I talked to you about this. So what happens here is any of us that might have young people working for us, such as myself 'cause I still can pass for twenty-one, will have trouble with our workers getting in and out of polling places, no matter what colors they're wearing. That's

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the problem with this bill, and that's why we should not pass this bill as written. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. I know that the sponsor is attempting to deal with a serious problem in our society, but what concerns me, Senator Molaro, about the bill is that I have two teenage youngsters whom, from time to time, work with me in various campaigns. Now, I don't know what gang colors are, but I would hate to see them out there helping me in an election and some overzealous police person grab them and rough them up and take them to jail just because they happen to have on a certain color. That is the problem with the bill: when you talk about colors. And it becomes very frightening. It becomes very frightening because I don't want that to happen to my boys, and as a -- as a -- as an elected official, I know what overzealous police officers will do. For example - for example - it even happened to me personally by an overzealous officer grabbing, stopping me just walking from a Jewel store to my home, just because they thought I may have been the person that they were looking for. So what I'm saying to you, as we attempt to deal with the problem, we cannot just blanketly pass a law that says individuals with colors, because a lot of innocent persons will get hurt in attempting to solve that particular problem. I am opposed to gangs, just like anyone else is. But you've got to be very careful when you put the power in hands of individuals who may have a tendency to overreact. And that's what can happen with this particular bill, because you're going to hurt some innocent people because some young people may be wearing some clothes that may have the color that identify with a gang. And they could be out there honestly helping the person - they don't belong to a

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gang - and they get caught and be in a lot of trouble. It's a bad concept. It's a terrible bill, and I wish the sponsor will look at that aspect and try to address that in the event this bill passes.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Molaro, to close.

SENATOR MOLARO:

Thank you, Mr. President. Well, you know, I -- when we look for definitions -- and everybody keeps talking about symbols, colors, what's constitutional and what's not. I -- you know, I don't know if we're in the business of determining what's constitutional or not. We're in the business of passing legislation and let the courts decide it. Terrible thing going on out there. These gangs are trying to infiltrate us, and we have to let them know right here from Springfield that it's not going to happen in the State of Illinois. We have to let them know now and early and often. As far as the word "colors" is concerned, I'll certainly, when it goes to the House, try and figure out if we can tighten up the word "colors". But the idea of what -- nobody knowing what a gang symbol is or knowing what a gang color is, I -- I think that's ridiculous. It all comes down to how they're wearing it. The police officers, State police, know who gang members are. We know what -- gang colors and gang symbols. But I will certainly work on it when it gets to the House. If there's somebody who could tell me a better way to define it, we shall. However, that being said, I think this is a good piece of legislation. I think it sends a message to gang members that they're not going to infiltrate the electoral process. And I'd ask for a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 974 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all

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voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 voting Yes, no voting No, 6 voting Present. Senate Bill 974, having received the required constitutional majority, is declared passed. We'll take a moment here to give the Secretary an opportunity to read some Committee Reports. Mr. Secretary.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: Referred to the Committee on Agriculture and Conservation - Senate Amendment 2 to Senate Bill 854; to the Committee on Education - Amendment 2 to Senate Bill 377; to the Committee on Executive - Amendment 1 to Senate Bill 429 and Amendment 3 to Senate Bill 253; to the Committee on Insurance, Pensions and Licensed Activities - Amendments 1 and 2 to Senate Bill 287; to the Committee on Judiciary - Amendment 2 to Senate Bill 415, Amendment 2 to Senate Bill 628 and Amendment 1 to Senate Bill 829; to the Committee on Local Government and Elections - Amendment 2 to Senate Bill 441, Amendment 2 to Senate Bill 478, Amendments 2 and 3 to Senate Bill 586, Amendment 2 to Senate Bill 636 and Amendment 2 to Senate Bill 788; to the Committee on Public Health and Welfare - Amendment 2 to Senate Bill 189, Amendment 1 to Senate Bill 198, Amendment 2 to Senate Bill 1097; to the Committee on Revenue - Amendment 1 to Senate Bill 135, Amendment 1 to Senate Bill 753; to the Committee on Transportation - Amendment 2 to Senate Bill 359; and Be Approved for Consideration - Amendment 2 to Senate Bill 768.

PRESIDING OFFICER: (SENATOR WATSON)

We are on page 16. The top of page 16. Senate Bill 977. Senator Madigan. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 977.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the Senate. Senate Bill 977 amends the Insurance Code and basically makes two revisions in that Code. It changes the actionable time of which an action can be brought against an insurance agent or registered firm from five-year statute of limitations to two-year statute of limitation. And it also amends the Consumer Fraud and Deceptive Business Practices Act to extend to insurance producers and firms the same protection that is granted to real estate brokers. And in that language, I -- Senator Berman has just pointed out -- we were going to amend this bill over in the House -- and we will -- pointed out some corrective language that needs to be inserted in that clause, and I would assure the Body that those changes will be made in the House. Otherwise, I would ask for its favorable consideration.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 977 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Yes, 2 voting No, no voting Present. Senate Bill 977, having received the required constitutional majority, is declared passed. 978. Senator Madigan. Out of the record. 979. Senator Madigan? Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 979.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the Senate. Senate Bill 979, as amended, is the continuing education bill for insurance agents. This matter has been around with us for a couple years now. We believe we have an agreement on this, as far as the terms and conditions of a continuing education requirement for insurance agents. I know of no opposition at this point. Would be glad to answer any questions and otherwise would ask for its favorable consideration.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 979 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Yes, no voting No, no voting Present. Senate Bill 979, having received the required constitutional majority, is declared passed. Senator Molaro, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Molaro seeks leave of the Body to return Senate Bill 983 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On that Order of 2nd Reading is Senate Bill 983. Mr. Secretary, are there Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Molaro.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Molaro, to explain your amendment.

SENATOR MOLARO:

Yes. Basically the amendment is technical in nature. These

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are forms that someone would have to fill out if they're asking for public aid, and it's just a technical amendment.

PRESIDING OFFICER: (SENATOR WATSON)

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 998. Senator Berman. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 998.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Senate Bill 998 was requested by the Educational Commission of the States and what it does is to appoint two Members of the Senate and two Members of the House, bipartisan, to be on the Commission from the State of Illinois to the Educational Commission of the State. Be glad to respond to any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 998 pass. All those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 voting Yes, 4 voting No, no voting Present. Senate Bill 998, having received the

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required constitutional majority, is declared passed. Senate Bill 1006. Senator O'Malley? Out of the record. Senate Bill 1007. Senator O'Malley. Out of the record. Senate Bill 1015. Senator Philip? Senator Philip, do you wish to call 1017? Out of the record. Senate Bill 1019. Senator Cronin. Out of the record. Senate Bill 1025. Senator Fawell.

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell, do you wish to have Senate Bill 1025 called? Out of the record, Mr. Secretary. Senator O'Malley, on Senate Bill 1028. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1028.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Senate Bill 1028 amends the Deception Article of the Criminal Code. Current law provides that criminal and civil penalties where a person willfully and with specific intent to defraud writes a bad check or a check on a fictitious bank for -- for goods is subject to both criminal and civil penalties. With respect to the civil penalties, the check writer has thirty days to cover it following written demand by certified mail or where the post office returns written demand as

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refused by addressee. Under the bill, it will not be necessary to show that the payee refused the delivery prior -- prior to suit. It will be sufficient evidence of notice that the thirty-day demand letter was refused or that the mail was unclaimed. A committee amendment was offered to require that the thirty-day demand letter be sent by both certified mail and first class mail to the bad check writer's last known address. Be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If none, the question is, shall Senate Bill 1028 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Yes, no voting No, 1 voting Present. Senate Bill 1028, having received the required constitutional majority, is declared passed. With leave of the Body, we'd like to go back to Senate Bill 1025. Senator Fawell. Leave is granted. You may proceed. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1025.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is really a clean-up bill for the circuit court clerks. There has been some question about a law that we passed last year. What this does is it requires a person on bail for a prior criminal offense to appear before a court for setting bail on a subsequent criminal offense. What has happened is sometimes the judges have suggested that even if it's a minor

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traffic violation, they must come in. I know of no opposition to the bill, and I would request a favorable vote -- roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 1025 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. Senate Bill 1025, having received the required constitutional majority, is declared passed. Senate Bill 1032. Out of the record. Senate Bill 1034. Senator Palmer? Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1034.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President and Members of the Body. This bill authorizes a front-door referendum on a special tax levy and bond issue for repair and construction of Chicago school buildings where the repair is required by law for safety, security or energy conservation purposes. I'll be happy to answer any question. This had unanimous support in the committee, and I know of no opposition.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 1034 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, 2

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voting No, no voting Present. Senate Bill 1034, having received the required constitutional majority, is declared passed. Senator O'Malley, on Senate Bill 1035. Out of the record. Senator Hawkinson, on Senate Bill 1038. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1038.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This is a Judiciary Committee clean-up bill for several items necessitated by last year's Safe Neighborhoods legislation and others based on some requests from State's attorneys, judges and law enforcement and staff. It amends the Stalking Law to further define "follows" and "bona fide labor dispute". It changes the Theft Statute to make it consistent with a bill that I believe Senator Petka has already passed. It conforms the law to the current judicial practice of considering whether a criminal offense was committed by a defendant while on release from prison for a prior offense. And then, by Committee Amendment No. 1, we add two provisions requested by Senator Tom Dunn, one dealing with anticipatory search warrants. An example of this kind of practice is where a discovery is made at a post office or other location of a -- of a package of illicit drugs and a warrant is issued conditioned upon the future event, such as the receipt of that package by the person who's taking receipt of the illegal drugs. And then another provision initiated by Senator Dunn requires that as a condition of release on a recognizance bond or bail, that the defendant clearly provide his or her address and notify the court

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of any address change. I'd be happy to answer any questions and otherwise ask for a favorable vote on Senate Bill 1038, as amended.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 1038 pass. All those in favor, say Aye -- or vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. Senate Bill 1038, having received the required constitutional majority, is declared passed. Senate Bill 1039. Senator Fawell. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1039.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is actually an amendment that was put on by Senator Shaw. It merely increases the fine in -- for littering on a tollway. The language in this amendment provides that the person would not be fined more than five hundred dollars. If you have any questions, direct them to -- to Senator Shaw.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President. Had I been -- I stepped away from my desk and had I been at my switch, I would have voted Aye on Senate Bill 1038. And I'd like the record to so show. Thank you.

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PRESIDING OFFICER: (SENATOR WATSON)

The record will so reflect. Thank you. There seems to be no discussion or concern, Senator Fawell or Senator Shaw, with your legislation, so we will proceed with the vote. The question is, shall Senate Bill 1039 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. Senate Bill 1039, having received the required constitutional majority, is declared passed. Senator Butler, on Senate Bill 1060. Out of the record. Senate Bill 1066. Senator Klemm. Mr. Secretary, please read the bill. I beg your pardon. Out of the record. Senate Bill 1067. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1067.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a request from Lee County, Senator Sieben's area, who has a nursing home that was established by a referendum, and the county doesn't want to be in that business anymore and would like to lease that facility to a private operation so they could continue that service and -- and care for the patients and their employees. But the current law says that if it was established by a referendum, they cannot do that. This bill would allow them to lease that with a three-fifths vote of the county board, and I ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

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Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1067 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. Senate Bill 1067, having received the required constitutional majority, is declared passed. Senator Madigan, on Senate Bill 1081. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1081.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the Senate. Recently it has come to the attention of everyone that charitable gift annuities may be subject to the Insurance Code in the State of Illinois. In order to take care of that question, Senate Bill 1081 has been prepared, and this puts charitable gift annuities subject to the same asset rules as insurance companies doing business in the State of Illinois, and also requires that a charity that would be subject to this bill has to be in existence in Illinois for at least twenty years. I think that will afford adequate protection on charitable gift annuities. I would be glad to answer any questions and otherwise would ask for its approval.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 1081 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish?

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Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. Senate Bill 1081, having received the required constitutional majority, is declared passed. Senate Bill 1082. Senator Madigan. Please read the bill, Mr. Secretary.
SECRETARY HARRY:

Senate Bill 1082.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the Senate. Senate Bill 1082, as amended, amends the HMO Act to allow HMOs to make refunds to enrollment groups or charge additional premiums to groups under certain circumstances. The HMO and the group must agree to the terms and place those terms in the contractual agreement between the group and the HMO. Allows an HMO to reward employers who promote wellness among their employees, and the refunds or additional charges are limited to twenty percent of the profitable or unprofitable experience. Requires the H -- health maintenance organization to fully explain their method of calculating the experience, and small employers would not be allowed to participate under this. Be glad to answer any questions on Senate Bill 1082, as amended.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 1082 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. Senate Bill 1082, having received the required constitutional majority, is declared passed. Please

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read the bill, Mr. Secretary, Senate Bill 1093.

SECRETARY HARRY:

Senate Bill 1093.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill -- 1093 takes care of a very unusual situation. It permits both the first and second wife, who are both the same persons, to receive a surviving spouse annuity from a downstate teacher. And this person was married to this teacher for quite a long period of time. They divorced and then they remarried, but he died prior to her being eligible to be the surviving spouse.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 1093 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. Senate Bill 1093, having received the required constitutional majority, is declared passed. Senate Bill 1094. Senator Fitzgerald. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1094.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fitzgerald.

SENATOR FITZGERALD:

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Thank you, Mr. President. Ladies and Gentlemen of the Senate, Senate Bill 1094 would establish an optional retirement system under the State Universities Retirement Article of the Pension Code. It would provide or allow for defined contribution programs; whereby, the employer and the employee would set aside their percentage of the employee's salary. It would go into an account that would be for the benefit of the annuitant and would be portable. He or she could take it with them. This is an optional program. It passed unanimously out of committee, and there are -- are no known opponents.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just one quick question, Senator, and I think it's basically already been answered. But what happens if somebody is already in the system, then opts for the other system? Are they able to -- to take advantage of both systems, or do they draw their money out of the SURS and put it into the new program?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fitzgerald.

SENATOR FITZGERALD:

Well, this would apply for new -- new employees coming in.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Raica.

SENATOR RAICA:

Just a question, if I may.

PRESIDING OFFICER: (SENATOR WATSON)

The sponsor says he'll yield, Senator Raica.

SENATOR RAICA:

Senator Fitzgerald, does -- this all insurances or all annuitants for all pension funds, city pension funds, or just

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State or -- or private?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fitzgerald.

SENATOR FITZGERALD:

This is only for one of the five State pension funds, the SURS program, and it's an -- it's optional within SURS for university employees only.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Weaver.

SENATOR WEAVER:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor says he'll yield, Senator Weaver.

SENATOR WEAVER:

Senator Fitzgerald, I was just wondering what financial aspect might there be if a great number of new employees choose to go this route rather than SURS. What -- what are the fiscal -- what is the fiscal impact down the road?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fitzgerald.

SENATOR FITZGERALD:

Economic and Fiscal Commission did a study showing that depending on how many people go in there, if -- they did projections at twenty-five percent of new employees and fifty percent going in there. In the early years, there would be a slight increase in the amount that would have -- that the State would have to contribute, but in the out-years, I think after six years, the amount would go down, because it would have the effect of lowering the unfunded liabilities of the overall SUR System because these are defined -- these are defined contribution plans which would, by definition, be fully funded.

PRESIDING OFFICER: (SENATOR WATSON)

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Senator Weaver.

SENATOR WEAVER:

Are these benefits transferable throughout the country to any institution of higher education?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fitzgerald.

SENATOR FITZGERALD:

Yes. One of the advantages of the optional retirement plan is that the employee would have an account that would be portable, and after that employee is vested, which would be after five years, he or she could take that account with him or her, and that would be one reason why they might want to go into that plan, for the portability.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR FITZGERALD:

I'd just appreciate a favorable vote. This is an optional retirement plan, and I think that it would be a good benefit for new employees coming in, and ultimately, in the out-years, could lower the unfunded liabilities of the State University Retirement System. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1094 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. Senate Bill 1094, having received the required constitutional majority, is declared passed. Senate Bill 1095. Senator Severns? Out of the record. Senate Bill 1096? Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1096.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. This bill has passed the Senate on a few occasions. It's been held up in the House, and I hope that with some changes in the House, perhaps we can get this pilot project through this year. It's a bill that will -- for a pilot period of five years only, will require that if an individual drops out of school before they turn eighteen, that they lose their driver's license. Built into the bill is legitimate exceptions for any kind of serious problem at -- at home - economic, health or otherwise. And also built into the -- into the bill are alternative education and GED provisions. It's a trial period only. For those of you who remember when the young man from the FFA stood up and addressed this Assembly a few weeks ago, he said that every five seconds, a dropout occurs. The NCSL said that this kind of legislation has diminished the dropout rate by thirty-three percent in states that have tried it, and that's all we're asking here to do, is for the Senate once again to approve this language and hope that this time we can finally get it signed into law for a trial period only. I'll be happy to answer any questions and would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1096 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Yes, 2 voting No, no voting Present. Senate Bill 1096, having received the required constitutional majority, is declared passed. Senate Bill

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1106. Out of the record. Senate Bill 1107. Out of the record. Senate Bill 1123. Senator DeAngelis? Out of the record. Senate Bill 1124. Senator Philip? Senator Philip, on 1124. Out of the record. Senate Bill 1129. Senator Dillard? Out of the record. Senate Bill 1186. Senator Philip? Senator Philip, on Senate Bill 1186. Out of the record. Senate Bill 1187. Senator Dillard? Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1187.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill makes three changes to the Statutes involving the use of an insanity defense in criminal cases. It first narrows and redefines the legal test for insanity in the State of Illinois to coincide with what the law is in the federal courts. It also increases the burden of proof on a defendant when he or she raises an affirmative defense of insanity to a clear and convincing standard of evidence, rather than the preponderant standard of evidence that is there today. And it also makes a change in cases where an individual has been found not guilty by reason of insanity and the individual is committed to the Department of Mental Health and Developmental Disabilities, that the individual has the statutory right to petition the trial judge to be released or transferred. It increases the time period to a hundred and twenty days from just thirty days when that petition has to be heard by the court. A test for legal insanity should not excuse all those who suffer from a mental disease or mental illness, and this bill, I believe, emphasizes that criminal

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responsibility, not criminal excuses, are the way to go in insanity defenses. This is a bill that came from Cook County State's Attorney Jack O'Malley, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Do I understand correctly that, under your bill, it is the defendant who may wish to press an insanity defense, that must show that he is -- that he has that defense by clear and convincing evidence?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

That is correct, Senator. The burden of showing that is on the defendant.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

You are not messing around with the guilty but mentally ill law, which I sponsored some years ago, are you?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

No, ma'am.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

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Mr. President, Ladies and Gentlemen of the Senate, I concur with Senator Dillard's bill, and I urge a favorable vote from everyone because this is well needed. I'm sick and tired of seeing some of these vicious people try to get out of their horrible acts by pleading insanity, and there's two schools of thought on that, psychiatrically. One school of psychiatry says that accountability is therapy. The other school says, "Oh, let them go; they didn't know what they were doing." I'm with the school of thought that says accountability is therapy, and I support the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Molaro.

SENATOR MOLARO:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor will yield, Senator Molaro.

SENATOR MOLARO:

In -- in committee - and I -- I don't know if you mentioned it now; I tried to listen, but I didn't hear all of it - you said that you were -- this is being changed to conform to some federal law or some federal mandate. Could you tell me -- can you cite what law or what -- that you may be talking about?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Sure. Senator Molaro, this change places Illinois in conformity with federal law which states that insanity is a defense where, quote, "the defendant, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality of <sic> (or) the wrongfulness of his acts." And I would ask you to take a look at the Insanity Defense Reform Act of 1994

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<sic>, which is 18 U.S.C. Section 17.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Collins. I beg your pardon. Senator Molaro, did you have one? I beg your pardon. Senator Molaro.

SENATOR MOLARO:

Just -- thank you, Mr. President. I'm -- I'm sorry. I should have kept my light on. Well, what -- what we're changing -- and maybe this is to the bill and not really a question. What we're changing -- obviously we've had this M'Naghten test around for a long time, which -- in a sense, codified the common law. The only thing I -- I want to make sure of -- there is no question, as the Senator from northern Illinois just pointed out, everybody's sick and tired of some criminal hiding behind it. And I just want to make sure that we understand that we have a -- we've had for hundreds and hundreds of years -- maybe back even to the Magna Carta. Want to make sure that when we punish someone or say that someone is a criminal, that he -- that they knew right from wrong; that we're not going to have someone who is insane and did not either know right from wrong or was able to understand the consequences of his act, that we're going to punish someone that was insane. And I just to make sure in this -- this feeling of -- of anti-crime as we go further and further and further, that we're not going to -- we're not going to miss what we're here to do, and that is to make sure that we don't punish anybody that doesn't know the difference from right or wrong. And when we're going to get in to these legalese -- M'Naghten versus -- or changing it, that we don't go too far, and I just want to make sure we're not. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR DILLARD:

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Thank you, Mr. President. A test for legal insanity should not excuse all those who suffer from a mental disease or mental illness, and I do agree with Senator Molaro, that there are cases when insanity is a valid defense. But if this were true, many individuals who commit criminal acts would not be considered insane. And I think the test should excuse only those actors who are so irrational or so crazy or so out of touch with reality that they do not deserve a conviction. My bill will accomplish that goal by narrowing the test for insanity. This bill emphasizes criminal responsibility and not criminal excuses, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1187 pass. All those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, 1 voting No, no voting Present. Senate Bill 1187, having received the required constitutional majority, is declared passed. Senate Bill 1188. Senator Dillard? Out of the record. Senate Bill 1194. Senator Rea? Out of the record. Senate Bill 1197. Senator Raica. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1197.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. Senate Bill 197 <sic> just amends the Revised Cities and Villages Act. It's merely a vehicle bill, and it's out there in case something goes wrong, and -- just hope we can pass it over.

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PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall -- should -- Senate Bill 1197 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Yes, no voting No, 1 voting Present. Senate Bill 1197, having received the required constitutional majority, is declared passed. Senate Bill 1203. Senator Barkhausen. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1203.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. Senate Bill 1203 is a recommendation of the Business Corporation Act Advisory Committee on the Secretary of State's Office. It was a -- a bill that was on the Agreed Bill List in our Judiciary Committee, and it attempts to clarify that the voting rights of shareholders, owners of what are known as super voting shares, are entitled to more consideration than the voting rights of holders of simply common shares. I ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

Please state your point, Senator.

SENATOR GEO-KARIS:

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There's some bills that relate to municipalities, and I just voted on one, and I just wanted everyone to know that I may have had a conflict because I am a village attorney. And for the rest of this Session, I'm declaring that I am a village attorney, and I'm going to vote my conscience. So I just want to clear up if there's any conflict.

PRESIDING OFFICER: (SENATOR WATSON)

Thank you. The record will so reflect. Is there further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Yes, I'd also like to make the same comment; that I do represent a municipality as well, and I'm declaring a conflict and I will vote my -- I did vote my conscience. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Thank you. We're back on Senate Bill 1203. There seems to be no discussion. So, the question is, shall Senate Bill 1203 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, 1 voting No, no voting Present. Senate Bill 1203, having received the required constitutional majority, is declared passed. Senate Bill 1204. Senator Hasara? Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1204.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. Senate Bill 1204 is what you've all read about, better known as the Deadbeat Parent Bill. It creates

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the Family Financial Responsibility Law to suspend the driving privileges for noncustodial parents who are ninety days or more delinquent in payment or support or has been adjudicated in arrears in an amount equal to ninety days of obligation or more. There's been a lot in the media about this whole idea in the last few weeks. We know from experience that other states who have this bill have actually had to suspend very, very few licenses because it's amazing what an incentive a driver's license can be. I know from my days as circuit clerk that not only in the area of child support, but in other areas, that there is no incentive greater than a driver's license to talk someone into doing something. There is one other thing that I mentioned in committee that I would like to point out to you. In researching this issue, I came across one of the most disturbing statistics I've ever seen, because it illustrates to me just how distorted our priorities have become. This is the statistic: The default rate on child support payments is more than fifteen times the default rate on car loans. I think that's an extremely sad commentary on society today, and I would ask for a favorable vote and would be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. A couple of questions for the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

The sponsor will yield, Senator Shaw.

SENATOR SHAW:

Now, would you explain how this suspension will work, as it relate to -- I guess, it's either late child support -- late child support -- nonsupport payments or -- I assume they would have been in the court or something.

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PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR HASARA:

That's correct, Senator. The suspension will be as a result of a hearing of the court.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

And this is where a order has been issued by the circuit -- some court in this State and where that the payments is supposed to go through the county clerk?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR HASARA:

Well, the circuit clerk usually has the records, and they will be available to the judge. It will be an order of the judge.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

Are you -- are you totally familiar with Cook County up there? And it's not that -- we have a very fine clerk up there who is doing an outstanding job, but because of the backlog and we deal with a number of out-of-state cases in Cook County up there, and sometime the records don't always follow the person when they move to Cook County or anywhere else in the State, for that matter, or any other county. Are you familiar with, they would show a deficit in the clerk's office and -- and the person is not in the arrearage in terms of child support?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR HASARA:

Senator, it's a very good point. As with any court hearing,

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the noncustodial parent will have the opportunity to answer the charge and to prove that the records are incorrect.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

I guess this is more or less to the -- to the bill. I know I get about four or five of these a year, and particularly where that the -- the Revenue Department has stopped payment on the person's income tax. And these persons are not in the arrearage - they're not in the arrearage - and I -- I understand what your intention is, in terms of this, and I totally agree with you a hundred percent. I think that people -- parents should make those child support payments. But where you're going to suspend the license, based upon the records from the various clerks offices and the Internal Revenue, I suppose, then you're going to get a lot of people -- an awful lot of people caught up into a situation where that they're going to be driving around with suspended license and they are not in the arrearage. Because I just had a case from Pennsylvania, and -- where this person traveled here from Pennsylvania. They withheld his income tax three years in a row, and the man don't owe a dime. He have payroll deduction. I've sent that record to the Department of Revenue three times, and finally they got it straightened out. But if he hadn't come by my office, then that gentleman would be running around with no driver's license and he happens to be a salesperson, and he need his car. And I'm wondering, how do you handle a situation like that?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR HASARA:

Senator, under this bill, that gentleman would not be driving -- would not be losing his license. First of all, this must be an

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order of an Illinois court. Secondly, you're talking about tax refunds, and that's a totally different manner. I'll bet I handle more child support requests than anybody in the General Assembly, and I certainly have my share of those tax refunds that are incorrectly intercepted. The difference is that, under that procedure, the records of the Department of Public Aid are used to verify an arrearage. We are not using the records of the Department of Public Aid under this bill. So that would not happen under my bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

No, I'm not primarily using the Department of Public Aid. A Illinois court did issue an order knocking out the -- the Department of Public Aid, along with the clerk's office. But somehow or another, that order never got through. But I'm talking about just a plain Illinois case, a order that was issued by the Circuit Court of Cook County, where that a person in that office up there, with the thousands and thousands of cases, and certainly you're going to get -- have some problem with them, where that that person is not in the arrearage. They're on payroll deduction. And many of them, I've had some CTA drivers on payroll deduction and -- but yet, the clerk's office, some kind of way -- I don't know whether it come from the Department of Public Aid or where it -- where they get their information from, but they show an arrearage. How do we deal with that in this bill?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR HASARA:

Senator, you're comparing apples and oranges. That is a totally separate manner. We don't deal with that in this bill. This bill -- this -- tax interceptions rely on records from the

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Department of Public Aid. We deliberately left the Department of Public Aid records out of this bill. The noncustodial parent can go to court and prove that he is not in arrearage.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

I don't -- I don't mean to prolong this -- this debate here, but it's my understanding -- having worked at Public Aid, I'm very familiar how Public Aid work. Having been a clerk of the court, I'm very familiar with how the court work. This bill - and I want you to tell me if I'm right - this bill will use the circuit court clerk's records as we know them today...

PRESIDING OFFICER: (SENATOR WATSON)

Senator...

SENATOR SHAW:

...and that's what this bill is predicated upon and that's what we are going by in order to suspend somebody's rights.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR HASARA:

The difference in this case and in tax interceptions is that the -- the noncustodial parent, if he or she feels that he or she is not in arrears, may go before the judge and show that he or she is not.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

To the bill. To the bill: It's my understanding - and I understand this bill, I believe - this bill calls -- this bill -- if the Secretary of State's Office receive notice from the -- some clerk's office anywhere in Illinois, that this person shows the -- one of the parents is in the arrearage in terms of child support,

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that license will be suspended. Now, many times, the parent -- the natural parents or the custodial parents don't know that because they have, on payroll deduction, paid directly to the clerk's office. They deduct out of their check. The employer sends the money to the clerk's office. The clerk's office -- and many counties, maybe they don't have the right posting procedure, but it shows an arrearage. When that gets to the State -- to the Secretary of State's Office, that means that that person's license is going to be suspended. I've had awful lot of cases like that, and what I'm saying -- suggesting to you here is that maybe we need to look at this a little bit farther, in terms of coming up with a better solution, because I know that there is a backlog of cases - a backlog of cases - dealing with this subject matter. And you're going to suspend a awful lot of people's license when they are not in the arrearage and all of those -- many of those people are in -- are -- they don't pay it themselves, individually, to the spouse -- or to the children; they pay it to the -- directly to the court. And it has nothing to do with the income tax interception. I'm not talking about that. I'm talking about the payroll deduction part, where that they still show an arrearage when it's a payroll deduction.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

Just one question for clarification. Senator...

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Collins.

SENATOR COLLINS:

...under most existing laws where non-traffic violations -- the suspension of licenses for non-traffic violations, there are provisions there for hardship and, for example, if someone uses his or her truck or automobile - a car, whatever - for the purpose

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of work, and I don't mean necessarily for transportation, but some people like insurance salesmen, other kind of -- of construction workers, use their driver's license as a means for -- vehicle for work. Are there any restrictions to allow that person to continue working, because you defeat your purpose - on a restrictive basis - because you will defeat your purpose if you, in fact, take away the opportunity for that person to work and actually earn the money to catch his or herself up from the arrears.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hasara.

SENATOR HASARA:

Senator, yes, you're exactly right. The bill does allow the court the discretion to issue a family responsibility driving permit not only for work purposes, but for medical care purposes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis, for what purpose do you rise?

SENATOR DeANGELIS:

For point of personal privilege, and I apologize, but this debates gone a little long and my guests are leaving. In the gallery are -- are the students from St. Kieran's School in Chicago Heights, led by their wonderful teacher, Miss Alice O'Brien.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you please rise and be recognized by the Senate. Further discussion? Senator Sieben.

SENATOR SIEBEN:

Thank you, Madam President and Ladies and Gentlemen of the Senate. I just rise briefly in support of the legislation. I'm sure, like many other of my colleagues here, this is one of the most difficult issues that we deal with in the area of constituent services in our district offices. It's frustrating when mothers - single mothers, normally - come to our district and ask us for

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help in the collection of child support, and we don't have many tools to enforce the payment of child support. This legislation has worked well in other states. It has proven to be an effective means of enforcing court-ordered child support payments. I think the legislation is properly drafted. I think it will give us some additional tools to enforce this payment of child support. I think the nonpayment of child support is -- is one of the greatest crimes against children in our State and across our country. I commend the sponsor for her leadership in -- in carrying this legislation and also to Secretary Ryan for -- for getting the bill in proper form so that it can be passed and enacted and enforced. And I think it's the kind of issue that we should all be supporting and that we should move forward with fifty-nine votes in the Senate. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Palmer.

SENATOR PALMER:

Senator Hasara, I'm familiar with some of the track record that this bill has. I've been listening to it, and I'm pleased with the results. But I did have a few questions. Is there a period of grace for the -- the father before this sanction is imposed?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hasara.

SENATOR HASARA:

Yes, Senator, there's a grace period of sixty days, and as you mentioned, it's been proven in other states that that grace period has proven to be very, very effective.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Palmer.

SENATOR PALMER:

And last question: What -- do you have any information about how quickly these licenses have been redeemed? I know each system is different and that's what Senator Shaw was talking about -- there's a backlog. But just on the whole, how quickly have the licenses been redeemed when the sanction is imposed?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hasara.

SENATOR HASARA:

No, Senator, I don't have that information, but there have been very, very few actually suspended.

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 just one quick question.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Jacobs.

SENATOR JACOBS:

As I read the bill, the -- the clerk of the circuit court shall be entitled to a fee of five dollars for certifications made to the Secretary of State, and then it goes on, it provides that this fee shall be deposited into the Separate Maintenance and Child Support Collection Fund. Is that money then returned to the clerk of the circuit court, or is that a fund that the clerk of the circuit court maintains anyway? And is five dollars enough?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hasara.

SENATOR HASARA:

I'm not positive I understand the question, but I -- the

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clerks have signed off on the five-dollar fee, and it's my understanding, they have the discretion.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, it's kind of a sad day in the history of Illinois when people who owe loans on cars, there are fifteen times as many who owe money to support their children. This is not a male thing. It's male or female. If it's a wife that's supposed -- ex-wife supposed to support the children, she's got to do it. I think it's a good bill, and I think it's high time that we do something about it because it's costing the taxpayers a heck of a lot of money when we cannot get the people who have the children to support their children. I speak for the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Madam President. Let me say, I don't know if it's a question or not. So I'll -- I'll start out by saying that. Obviously, in today's age, driving a car is -- maybe it started out as a privilege, but it almost becomes a necessity in today's age. And that's why when this came up in Maine, it's such a big success, because much like scofflaw with the parking tickets, you let someone know that you're going to take their driving privileges away, you certainly grab their attention, and it's very important for deadbeat dads to understand this. However, what I -- I guess the question I'm asking is -- we were talking about the -- the permit to allow them to drive to and from work. So I have to ask this question: Do they get it automatically, or do the -- do the deadbeat dads have to go out and ask for a petition?

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Hasara.

SENATOR HASARA:

Senator, the deadbeat parents must ask. This whole procedure is a court procedure anyway. So it is part of the -- of the hearing. They don't have to go in for -- for a special hearing. It will be part of the original hearing; they may ask for a permit.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

Okay. Is it automatically granted, or would it be the discretion of the trial court judge?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hasara.

SENATOR HASARA:

It's the discretion of the trial court judge.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Shaw, for a second time.

SENATOR SHAW:

I apologize, Madam President. But the -- I had one question I wanted to ask...

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Shaw.

SENATOR SHAW:

Are you amenable to trying to work out something in the House for the people that are -- for the parents that are on -- on payroll deduction? That's the only problem that I have with the bill. And it seems as though that -- to me, that we should make -- try and make some accommodations for those parents, and I know that they are paying, and we should -- we shouldn't have them taking a day off work, losing additional money, when they - maybe the kids could get that - when they already have paid. Would you

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be willing to...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hasara.

SENATOR HASARA:

Senator, most parents now make their support payments through payroll deduction. That's the easy one. The difficult one to prove is when they don't pay through the court. If they simply pay to the ex-spouse directly, then there is absolutely no official record of the payment, and that's when it becomes more difficult.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

The only question I asked - and I understand what you're saying - is the only thing I'm asking, are we amenable, in this bill, in case the records get all screwed up, if you will, in one of the clerk's office, is there any way that we could try and work out some accommodations for those parents that are on payroll deductions? I'm not trying to do anything other to -- other than get the children their money.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hasara.

SENATOR HASARA:

Senator, that's what we're trying to do too, and they have that under this bill. That's why this is a court proceeding, so the noncustodial parent has the opportunity to go in and dispute the record if he or she feels it is incorrect.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR HASARA:

I think you're all familiar with the terms of the bill. We

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know this is a huge issue not only in Illinois, but across the country. It's coming up at the federal level. We are 1.3 billion dollars behind in the collection of child support that we know about in the State of Illinois. Other states have passed this, and it has been extremely successful, and I am convinced that with the leadership of George Ryan leading the charge on this bill, that it will also be successful here in Illinois. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 1204 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, and 1 voting Present. Senate Bill 1204, having received the required constitutional majority, is declared passed. Senator Barkhausen, on Senate Bill 1205? On page -- page -- top of page 7, on the Order of 3rd -- Senate Bills 3rd Reading, is Senate Bill 21. Senator Butler? Out of the record. Senator Mahar, on Senate Bill 46. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 46.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President and Members of the Senate. This is the Brownfields bill. It seeks to modify, streamline and encourage remediation of property which is contaminated with regulated substances. Some of the features are as follows: Cleanup levels are determined based on risk encountered at the site; after considering the future land use, protection is

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provided to prevent a property from being utilized in a manner inconsistent with the achieved level of cleanup; the review process is privatized to reduce costs and administrative burdens to the IEPA while protecting against improper actions via an audit procedure; the liability provisions regarding cost apportionment and covenants not to sue are made compatible with current law; and voluntary site cleanup is encouraged by allowing a twenty-five percent credit against corporate tax obligations. Must advise the Members that the negotiations for this are ongoing. This is not the final version of this bill, but I'll try and answer whatever questions there may be.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. That was going to be my only question, Senator Mahar. It was my understanding, because at that time, you had some Members that weren't on the -- the floor in committee. We helped you get this out with the idea it would be held. Is this bill then going to be -- be -- be amended whenever it gets over to the House? Is that your intention with this piece of legislation?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Thank -- thank you, Madam President. Senator, I -- I think the -- the agreement was with the -- with the lone opponent, which is the Illinois Environmental Council, that they would be allowed to come to the table and we would continue to negotiate, but there was -- there was no reason that they -- they -- they agreed that we would move the bill -- bill forward to accommodate our -- our timetable around here. And -- and we fully intend this bill to be -- there's no way that this is going to be signed into law as you

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see it today.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Palmer.

SENATOR PALMER:

Senator Mahar, I'm not sure that I have all the information on this bill. Where are the environmental groups on this bill, number one? And secondly, am I reading this correctly that we're giving a tax credit for -- for five years and that that has the potential of costing the State two hundred and sixty million dollars per year over the next five years?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President. The Second Floor, in our very first meeting, has advised all those at the table that they have absolutely no interest in a tax credit whatsoever. So, it is conceivable that this bill will come back before us without that component, and that is not, by far, the most important component. The principal area that the Illinois Environmental Council has deals with that portion of the -- of the bill which privatizes part of the review process; however, they -- the -- and the EPA also has an objection with that part. So the -- the Governor's Office, the -- the business groups, the Illinois Bankers, the environmental groups, myself, Representative Persico, are all working towards final conclusion on that, but we haven't reached it as of this point.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Palmer.

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SENATOR PALMER:

Just another question - a scenario: Across the street from my office is a vacant piece of land that used to have a filling station on it, and I understand that developers have not done anything with it, although they're interested. It's a -- prime piece of property, but they have not done any work on it because the underground tanks are still there and still problematic. Now, is the intent of this bill then to give them some relief and ability to develop this land without making the proper environmental checks?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President. Well, first of all, the -- there are certain things which are not included, certain -- certain contaminated sites which are not included in this proposal. One would be underground storage tanks. A number -- another would be Subtitle C and Subtitle D sites, or Super Fund sites. But let's say it was something else. Let's say it was an industrial site across the street. The -- the risk assessment would be based upon what is compatible. In other words, you're not going -- you're not going to be able to put something that would endanger a residential neighborhood. It would have to be compatible with the existing site. The cleanup would be compatible with the existing site. Such that, if it was an industrial site, the intent would be, if another industrial site would come in, you wouldn't have to clean it up to the level if they put up houses.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Mahar, do you have an estimate of the -- yearly cost this will cost the State of Illinois for these -- this bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President. The only component that -- where there would be a -- a direct cost would be the -- I think you're referring to the tax -- or the tax credit, the twenty-five percent tax credit. A fiscal note has indicated that there is an estimate of five thousand sites, and it could cost, according to the Director of the Department of Revenue, two hundred and sixty-seven million. Two points to that: number one, I just detailed they -- there are four classification of sites which aren't even included, so I think the five thousand sites are erroneous. However, I don't think the Governor is going to agree to any tax credit in this bill, and I think, should we move it forward and allow negotiations to go on, it will probably come back without that component.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Welch.

SENATOR WELCH:

Senator, is that two hundred and sixty-seven million dollars a year over five years, or is that a two hundred and sixty-seven million dollar total?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

I think that is a total, Senator Welch, and it's based upon the five thousand sites.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Further discussion? Senator Welch. Got to be quick, Pat.

SENATOR WELCH:

Well, Senator, why do we we want a -- want to give a two-hundred-and-sixty-seven-million-dollar subsidy to companies that are causing pollution? Now, there's another bill floating around the General Assembly that Senator O'Malley is sponsoring. Now, he's trying to eliminate a incinerator, saying that the State is subsidizing that for about three hundred million dollars. Here, on the other hand, we have a bill that we're subsidizing industry two hundred and sixty-seven million dollars for pollution. To me, this sends the wrong message. It says that if you pollute, oh, there'll be an amnesty; we'll take care of you; don't worry about cleaning it up; we're going to change the rules so that it's not really contaminated anymore. It seems to me that this is something that goes hand in hand with this incinerator proposal of -- of Senator O'Malley's. I -- I don't see how one person could be for that and be for this as well. This is totally taking money out of individual taxpayers' pockets, sending it to large corporations and saying, "Well, we know you didn't really mean to pollute, and we know you made a lot of profits, but, hey, we're willing to cough up two hundred and sixty-seven million dollars as part of the New Republican Order." Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Fawell.

SENATOR FAWELL:

According to page 4 on our analysis, it says that the EPA opposes the automatic release because they have no review of the

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site cleanup. The Attorney General's Office feels that this covenant not to sue is problematic, as it does not require any consultation with the Attorney General and therefore impinges on the constitutional power of the Attorney General. Right now, on -- I have a case going in -- in my county that involves Ogden Avenue. It involves Thornton Oil, which a -- which is a foreign company, who is doing everything they possibly can not to clean up the site. They have pulled the tanks. They have not cleaned up neither their site, nor the oil that has leaked under Ogden Avenue, nor the oil that has leaked on the land beside them. They have -- we have been after him for approximately six years trying to get them to do something. It is now in the hands of the Attorney General and the State's attorney. Are you saying that, under this bill, we're going to say, "Thornton Oil, it's perfectly okay for you to thumb your nose at everybody in DuPage County and this little old lady who's ninety-two years old, who's been trying to get this site cleaned up so she can sell it and get out of her little, tiny house"? Is that what this bill does?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

Thank you. Thank you, Madam President. You've included a whole number of issues there, Senator Fawell. And first of all, let me address the fact that the Attorney General wasn't - a representative - was at our very first meeting, and more than likely his problem with the covenants are probably one of the more easier ones to solve. But that is part of the negotiating process going on dealing with the privatized review of these sites. As far as to your site in DuPage County -- and I'm not -- I'm not familiar with the specifics of that, but if that's a site that is something like Wisconsin Steel that's -- that's abandoned, the purpose of this for your little site, or for Wisconsin Steel, is

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to get in a risk-based program where we can get something back in there, get a -- get a -- a business back in there employing people. I think it's the exact thing, that if you gave this to your little business owner, they would probably embrace it, because they would see this as a step forward.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

This site is owned by Thornton Oil. They -- they're not going to give up -- it's at Main and Ogden. As you know, that used to be in your district, in Downers Grove. Well, it was just past your district. They're not going to give up that site, nor are they going to clean it up. You know, what I'm asking you is - now you've taken the -- according to this, you've taken the Attorney General's power away to go in and say, "Clean it up." Is that true? Or am I reading the analysis wrong?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

No, absolutely not. We're not taking the Attorney General any powers away whatsoever, and it's only -- they would get a covenant not to sue only after they've cleaned up the site.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Just like to announce that I represent a city and I have -- may have a potential conflict; however, I will vote my conscience.

PRESIDING OFFICER: (SENATOR DONAHUE)

That's always in order, sir. Senator Welch, for a second time.

SENATOR WELCH:

Yes. I'm sorry to rise a second time. Somebody asked me this

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question and I wanted to ask Senator Mahar. Senator Mahar, would this give a -- a tax break to Kerr-McGee Corporation for the thorium tailings there in Kane County, in Senator Karpziel's district?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Mahar.

SENATOR MAHAR:

You know, that question came up at committee and was asked by Senator Karpziel. It has no impact on that site whatsoever.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Seeing one, Senator Mahar, to close.

SENATOR MAHAR:

Yeah. I would like to close with making one final note, Madam President and Members, and it deals with the issue of the twenty-five-percent tax credit. First of all, the issue of a tax credit in and of itself is not onerous, because we're giving it to the -- not to the person who owns the property, but rather the person that is going to clean up the property. However, as I've said three times before, and let me say again: I don't believe that that component is going to be in this bill when it goes to the House and it is put in its final form, and the reason for that is that the Second Floor is totally opposed to that. And with that, I would ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 46 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 33 Ayes, 21 Nays, 1 voting Present. Senate Bill 46, having received the required constitutional majority, is declared passed. Senator Raica, on Senate Bill 64? Read the bill, Madam Secretary.

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ACTING SECRETARY HAWKER:

Senate Bill 64.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Raica.

SENATOR RAICA:

Thank you, Madam President. Amendment No. 3 becomes the bill. I'd like to thank the Transportation Committee for helping me clean the bill up. What it does is, current law states that any person who makes <sic> a written request for judicial hearing to request that a statutory summary of supervision <sic> be rescinded upon notice of the supervision <sic>. This amendment would require the person to request a hearing within ninety days. The original bill had forty-five days. It also includes a provision from the State -- I'm sorry, from the State Police with -- dealing with persons who are caught driving in Illinois while their driver's license was suspended in another state. The Secretary of State's Office also supports this piece of legislation. It came from various State's attorneys throughout the State of Illinois, and I just ask for your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Jacobs.

SENATOR JACOBS:

Senator, as I read this bill -- I have a definite problem, which I think I expressed in committee, in regards to out-of-state convictions that prior to this point were not part of the mix, and

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now they're going to be part of the mix. But in regards to those who had a revocation provision for a conviction of -- for a person under the age -- twenty-one years of age for DUI are applicable to similar out-of-state convictions, under the -- the fact -- with the fact that we did, in fact, pass the zero tolerance bill, will that affect those that are found guilty under the zero tolerance bill for underage drivers? Will they...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator...

SENATOR JACOBS:

...that be counted as a revocation?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Raica.

SENATOR RAICA:

I would have to ask Senator Jacobs a question 'cause I'm unclear. Senator Jacobs, are we talking about if this individual is caught in another state under zero tolerance and that state has a zero tolerance, or if he's in this State and has a zero tolerance? If he's in this State and have a -- has a zero tolerance, obviously. But if he's in another state that does not, no.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

Well, it appears to me that what we did with the zero tolerance bill is we, in effect, said that that would not be held against that individual who was arrested under a zero tolerance law for a -- a subsequent DUI; that it's strictly -- it's not a recordable offense and that the next one after that would be a -- a second offense. And I just want to know if that applies in this case, or if we're changing already the zero tolerance law.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Raica.

SENATOR RAICA:

Is the question, Denny, "Are we changing zero tolerance for minors by this?" Is that -- is that the question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

The question basically is -- and the law -- I mean, as I read it, it's fairly explicit to DUI, which is a little different than the zero tolerance. I just want clarification. If -- if a youngster is arrested under the zero tolerance law, which now is not included as a recordable offense, will that be now under this law included as a -- a offense and then the next DUI would be a second offense?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Raica.

SENATOR RAICA:

Madam President and Senator Jacobs, if it's not recorded, it's not recorded, and that's obviously not my intent that -- that we would do that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

Thank you, and I think that -- that probably clears it up, because the first one is supposed to be an administrative offense only and not a -- a offense of record. But I do still have a problem, which I indicated earlier I'm not going to stand in the way of this bill; it's probably got the legs to fly. But yet, at the same time, we have to keep in mind there's a lot of people who may have had a DUI four years ago, and without this bill - in another state - and without this bill now, if this bill passes, that bill <sic> is going to be brought in as prima facia evidence

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of a first offense because of the fact that this law is, and I just want the people to be aware of that. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR RAICA:

Madam President, and if I may, Senator Jacobs, if between here and the House there seems to be a problem with the zero tolerance and there is a question, I assure that I will make sure an amendment goes on in the House. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 64 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 51 Ayes, 2 Nays, none voting Present. Senate Bill 64, having received the required constitutional majority, is declared passed. Senator Raica, on Senate Bill 80. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 80.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Raica.

SENATOR RAICA:

Thank you, Madam President and Ladies and Gentlemen of the Senate. In the -- in the McCook District, we had a problem with the reservoir and the MWRD. What this bill basically did is took the quick-take power away from the MWRD. What was suggested by the Local Government Committee and actually Senator Viverito and others is that we kind of limit this and not hurt the MWRD because of their deep-tunnel project throughout Cook County. Now this

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bill is very specific to the McCook Reservoir only and the quick-take power of the MWRD, and I would just ask for the support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any questions? Any questions? Seeing none, the question is, shall Senate Bill 80 pass. Those in favor will vote Aye. Senator Geo-Karis.

SENATOR GEO-KARIS:

Question for the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Do you still have the quick-take provisions in the -- in the bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Raica.

SENATOR RAICA:

Senator Geo-Karis, the quick-take provisions that are currently in the law are in the law, except when it comes to the McCook Reservoir. We have taken the quick-take power away from the MWRD, and it is very specific to one project.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Seeing none, the question is, shall Senate Bill 80 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 42 Ayes, 9 Nays, none voting Present. Senate Bill 80, having received the required constitutional majority, is declared passed. Senator Dillard, on Senate Bill 124. Senator Fawell, on Senate Bill 126. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

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Senate Bill 126.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This legislation will add mentally ill homes to the exemption under real estate -- under property taxation. Right now we have developmentally disabled, homes for the aged, and this is adding the mentally ill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Madam President. I just wanted to remark on this bill. Our side voted unanimously for it and we didn't have a problem with it, but it is so specific that I think we should be very observant as we go on giving tax exemptions and not make them so specific that we end up with so many that we don't have any general oversight or sense of where we're going with this. So, I'm for this bill, but I do caution that we not take this path too often.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Seeing none, Senator Fawell, to close.

SENATOR FAWELL:

I'd just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 126 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, 1 voting Present. Senate Bill 126, having received the required

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constitutional majority, is declared passed. Senator del Valle, on Senate Bill 123. Or, 130. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 130.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. Senate Bill 130, as amended, prohibits a former Chicago Board of Education employee, for a period of one year after leaving employment with the Board, from entering into a contract with the Board, and makes a violation of this prohibition a business offense. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 130 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, 1 voting Present. Senate Bill 130, having received the required constitutional majority, is declared passed. Senator DeAngelis, on Senate Bill 135. Senator Woodyard, on Senate Bill 141? Senator Cullerton, on 161. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 161.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. This bill

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is designed to close a -- what some describe as a loophole in the current passenger safety laws. Right now we have a -- a Seat Belt Law for people who sit in the front seat, and we have a Child Passenger Safety Law for children. People -- children age birth through three have to be in a car seat, four- and five-year-olds have to be in a seat belt, even if they're in the rear seat. The bill, as originally introduced, said that everyone under eighteen had to be in a seat belt. That was -- the people in the committee, the Transportation Committee, asked that I amend that, which I did, so that now it covers only people under sixteen. We -- in our country, we have had a -- over two thousand children under age sixteen die per -- per year. There's a National Safe Kids Campaign that is -- estimates that, if all children in their teens were properly restrained in a seat belt or child restraint, there would be a seventy-one-percent reduction in traffic fatalities and a sixty-seven-percent reduction in hospitalizations and a fifty-percent reduction in minor injuries. We have made great progress in the State with regard to saving lives as a result of the seat belt law, but unfortunately, we have seen this last few months that there has been an increase in fatalities. I would emphasize that this bill does not apply to -- to adults, but just says that children should be in their seat belt. Be happy to answer any questions and urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any questions? Any discussion? Any questions? Seeing none, the question is, shall Senate Bill 161 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 52 Ayes, 3 Nays, none voting Present. Senate Bill 161, having received the required constitutional majority, is declared passed. Senator Syverson, on Senate Bill 169. Read the

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bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 169.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Madam President and Members of the Senate. Senate Bill 169 creates a special county retail occupation tax which would allow counties, by front-door referendum, to impose a quarter-cent sales tax to be used for any number of criminal justice areas. Particularly in the county where I come from, the money would be used to build a much-needed new jail, and at a time when our property taxes are already at a maximum, this gives the counties one more option to go to their taxpayers, as opposed to increasing property taxes, a way of looking at a quarter-cent sales tax to solve the criminal justice problem. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Palmer.

SENATOR PALMER:

Senator Syverson, I understand there was an amendment to remove food and drugs from the tax. Is that correct, or is that...(microphone cutoff)...House?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:

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That is correct, but because of the time, we weren't able to get that done. That will be done in the House. In that, you have my commitment that that will be added.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? Further discussion? Seeing none, the question is, shall Senate Bill 169 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 37 Ayes, 13 Nays, 1 voting Present. Senate Bill 169, having received the required constitutional majority, is declared passed. Senator Rauschenberger, do you wish to have Senate Bill 182 returned to the Order of 2nd Reading for the purposes of amendment? Senator Rauschenberger seeks -- no. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I'd like to table Amendment No. 2, please.

END OF TAPE

TAPE 5

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger moves that we table Amendment No. 2 to Senate Bill 182. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and Amendment No. 2 is tabled. Are there any further amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

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3rd Reading. On the Order of 3rd Reading is Senate Bill 182.
Senator Rauschenberger. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 182.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, President and Ladies and Gentlemen of the Senate. Currently, the law prohibits ex parte communication between the ICC commissioners and its employees or any parties -- and any parties to contested proceedings before the ICC. For periods of from four months to eighteen months, ICC commissioners and their employees cannot question, communicate, receive clarification or learn from parties involved in disputes except through their quasi-judicial hearing process. Commissioners in practice cannot even meet with involved parties on other non-dispute-related matters. In today's complex and fast-changing world of utility regulation, our ICC is handcuffed to an information system with its roots in the days of Teddy Roosevelt's trust. Senate Bill 182 seeks to foster complete communication and better decision making while still protecting the interests of consumers by using sunlight and disclosure. Senate Bill 182 is modeled on the federal Statute governing communication and disclosure for federal utility regulation. Senate Bill 182 recognizes that in today's regulatory environment, complex, far-reaching, confusing disputes between giants like MCI and Ameritech will be better -- decisions will be better made by fully informed hearing officers and commissioners. The heart of this bill goes to the issue of whether we still want to maintain an -- an antiquated quasi-judicial process for the ICC. Senate Bill 182 requires

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reporting of communication during the fact-finding period in an ICC dispute and prohibition of communication during the decision-making period. I would be happy to answer questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Jacobs -- oh! Yeah. Senator Welch.

SENATOR WELCH:

Yes. I -- I wanted to read something into the record, then I wanted to ask the sponsor a question. I have a letter from one of the commissioners for the Illinois Commerce Commission, David Williams, in which he wrote to Senator Jones saying that - and I quote him - "This bill would permit utilities and intervenors to engage in meetings and conversations with Commissioners during critical decision making periods at the ICC. It would create the occasion for undue influence that is currently prohibited. All of the Public Utility Commissions that I know throughout the country have legislative provisions that prohibit communications with Commissioners while there is an active docketed proceeding. I believe if we allow the provisions of this bill to be passed it would taint the ICC's decision making process. It would permit secretive meetings which would damage the integrity, credibility, and perception of fairness of the Commission." Senator Rauschenberger, those of us who have been here for a while know that the integrity of this Commission is something that has been rebuilt slowly over the past few years. It was only a few years ago that the -- the Chairman of the Commission, Terry Barnich, engaged in over three hundred private telephone conversations with a party before the Commission. He ended up losing his job. To allow us to go back to those days and sanction independent, ex parte conversations with the commissioners would be -- would be ridiculous. Now, you've attacked the idea of what's going on now by saying this is a throwback to Teddy Roosevelt's day.

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Individual parties talking with a judge goes back even farther. It goes back to English common law. It goes back hundreds of years -- before Teddy Roosevelt. What you're saying is that if an individual is a plaintiff in a case, he can talk to the judge in private, tell him his ideas, and then later the defendant's attorney, he can call the judge, talk to him about his private ideas. Then that may get on the record, and it may not. There's no requirement that the verbatim facts get to be known by the other side. This is -- this is absolutely an absurd bill. It's a power play, if you may -- want to use that pun, by some utility companies, trying to get more influence on the Commerce Commission. I really don't know why you -- why you want to do this. This is sort of like in the O. J. Simpson trial. If Johnnie Cochran calls up Lance Ito, says, "Judge, I've got a few facts I want to tell you about what happened in this case", and he doesn't tell Marcia Clark. It's -- it's the same idea. It's just as absurd. And so I -- I think that a No vote on this is the only sensible vote to make.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I stand in support of this legislation. In answer to Senator Welch, I think that Johnny Cochran already is standing up telling Judge Ito what to do on many occasions. This bill, as I see it, just allows us to do what can be done with the FCC and can be done in other states, and -- and I can't think of a better time that information should be gathered by someone in the decision-making process than whenever it is in a crucial time with crucial matters. And for that reason, I stand in strong support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Severns.

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SENATOR SEVERNS:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Severns.

SENATOR SEVERNS:

Going back a few years ago to Chairman Barnich, what in this bill would prevent that kind of abuse from happening? And under this bill, wouldn't he continue -- or someone like him continue as chair?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I'd -- I'd just remind the Body and the Senator that this law was in place when he did what he did. The -- the heart of this bill is disclosure of those conversations and sunlight on the process. Those kind of communications take place. We've turned the parties -- in an eighteen-month process, we -- Senator Welch is right. We do have an O. J. Simpson trial every time Ameritech and MCI disagree over telephone regulations, and that process is not served in the quasi-judicial model.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President. But, Senator, as you recall -- even though I know it was prior to your arrival here -- Chairman Barnich was asked to resign and that -- that is not a normal occasion with the Illinois Commerce Commission or any commission in -- in this environment. He violated the intent. What prevents that, under this legislation, from occurring again?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

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SENATOR RAUSCHENBERGER:

If -- if the chairman or commissioner made three hundred phone calls and disclosed publicly that he made three hundred phone calls, we could ask him to resign. At least the proponents would know that he made three hundred phone calls, and he would be under the same sanctions that he'd be under otherwise. For -- for anyone to argue that in today's environment for utilities that lack of communication and explanation and questioning is bad just mystifies me. The Commerce Commission has about a -- about a twenty-percent batting record with our -- with our committees. Their bills fail constantly, and I'm not surprised that a current commissioner, who likes the process, thinks that the quasi-judicial model is the right way to run a commission. But that's not the direction the federal government's headed, under a Democratic administration.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

A question for the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Lauzen.

SENATOR LAUZEN:

Senator, what type of record is made of these conversations? You're mentioning that there's spotlight on this and sunshine. What type of record, then, is made of these?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Meetings or conversations with parties who are involved in a disputed proceeding before the committee would be filed by the commissioner at a -- at the central office for anybody's inspection, to find out who the commissioners are communicating

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with and how frequently.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Berman.

SENATOR BERMAN:

Well, I -- I rise in opposition to this bill, and I find it -- and I've listened very carefully to the sponsor. I don't understand the purpose of this bill. You are dealing with a quasi-judicial process. The ICC is a -- is the court, and the commissioners are the judges. And I've got to tell you that in the judicial system, ex parte communication between any party through his attorney or individually to the judge is prohibited. I see no reason, Ladies and Gentlemen, why this should be a different process. If there is questions that the ICC has regarding a -- an application or an objection to an application, there is a process by which the Commission can call a hearing and get that information, with both parties present, both parties having the opportunity to agree or disagree before the tribunal. What you are doing by this bill is opening up a process that is called quasi-judicial and what you're going to do is take this into the back alley, where -- where people are going to make conversations. Whether they are -- whether they impugn the integrity of the Commission or not, the fact that they will be allowed - be allowed - by this bill impugns the integrity of the Commission. I think it's a terrible approach to what is supposed to be an adversarial objective process where the Commission is not - is not - part of the advocates, pro or con. This allows the Commission to be a party, by -- by ex parte communication. This is the worst approach to the questions that must be decided by the Commission. And I'll just tell you this: If I were a congressman and the -- this proposal was for the FCC to be allowed, I would vote No, because if Congress allowed the FCC to do it, they're wrong. I'm not going to allow the ICC to do it. I'm going to vote No.

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PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR RAUSCHENBERGER:

The hour is late. I'll try to be real brief, but -- but I would like to thank Senator Berman for making my case. What we're talking about today is whether we're going to regulate facilities for -- regulate utilities in the future here the way we have for the last eighty years, where we have a power industry that's fraught with problems, where we have telecommunications giants who are unable to communicate with the regulators making the decision, where we have a process that's so bogged down in the State of Illinois with the ICC that it -- it is an embarrassment. The federal Congress has already decided under Democratic control in Washington to give the FCC the power to communicate and learn. Today, most utility matters are almost dealing with fungible assets, and anybody who says the decisional process modeled on the General Assembly is the back alleys, I question their choice of career. We deal in an environment where information is important, where people can access us, and I think those commissioners, if they're going to learn and make good decisions for the future and for our families and for the -- the ratepayers, have got to have far better information than -- than the handcuff model they currently have. I would suggest favorable consideration of this bill. This bill, in my opinion, is a clear reform of the ICC, but I certainly understand people have different visions. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 182 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 35 Ayes, 20 Nays, 1 voting Present. Senate Bill 182,

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having received the required constitutional majority, is declared passed. Senator Parker, for what purpose do you rise?

SENATOR PARKER:

Thank you, Madam Chairman. I had missed the vote on 169, and I just wanted to be recorded as voting Yes. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz, for what purpose do you rise?

SENATOR DUDYCZ:

Thank you, Madam President. The Caucus Chair of the Republican side has requested that I ask that immediately upon adjournment, the Republicans in the Senate go to a half-hour caucus, and committees will begin at 5:30.

PRESIDING OFFICER: (SENATOR DONAHUE)

I will reiterate: The committees will convene at 5:30. Resolutions.

ACTING SECRETARY HAWKER:

Senate Resolution 54, offered by Minority Leader Jones, Senator Smith and all Members.

It is a death resolution.

PRESIDING OFFICER: (SENATOR DONAHUE)

Consent Calendar. Senator Woodyard, for what purpose do you seek recognition?

SENATOR WOODYARD:

Excuse me, Madam President. Are you ready for any announcements at this time? Then I will announce to all Members of the Senate Ag-Conservation Committee, we have a committee hearing scheduled tomorrow morning at 8:30 in Room 212. There's only one bill and one amendment, and we must be out of that room in thirty minutes. The whole process could be done in five minutes, so please be prompt.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further business to come before the Senate?

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Seeing none, Senator -- Senator Watson.

SENATOR WATSON:

Yes, thank you, Madam Chair. Just to remind everybody - and I know everybody's been working hard at home, getting themselves ready for the softball game. But we're going to have a practice tomorrow, if, in fact, our Session activity will make that available. So we will have a practice tomorrow at the field that's just south on -- I believe it's Third Street, where we've practiced the last couple of years. The game -- and you should have all received letters on this: The game is set for next Tuesday at Lincoln Park at 5:30. So, we -- the practice...(microphone cutoff)...we'll announce that tomorrow, but probably as soon as we adjourn.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio, for what purpose do you seek recognition?

SENATOR DEMUZIO:

Well, Senator Woodyard indicated that the Ag Committee's meeting tomorrow. Has there been a posting notice on it? It's not on the Calendar.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Woodyard.

SENATOR WOODYARD:

No, I don't -- I don't know. I talked to... Excuse me. I've just been told: one-hour posting notice for amendments. And that's what this is. Senator Molaro's bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell, for what purpose do you seek recognition?

SENATOR FAWELL:

I'd like to announce that the Senate Transportation Committee will meet tonight at approximately 5:30, as soon as the caucus is over. Now, we -- we've got a couple of things. We should get out fairly quickly.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

For purposes of announcement, to the Members of the Appropriation Committee, we'll convene at 5:45 immediately following the caucus. Please, everyone, we have a long agenda for this evening, and -- if you could -- if the Members could make their attendance there as soon as possible.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any other further business? Any further business to come before the Senate? If not, Senator Lauzen moves that the Senate stand adjourned until 11 a.m. - 11 a.m. - Wednesday, April 26. Senate stands adjourned.

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