

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

42nd Legislative Day

May 3, 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 Reverend Norman Kao, United Methodist Church, Martinsville, Illinois. Reverend Kao.

THE REVEREND NORMAN KAO:

(Prayer by the Reverend Norman Kao)

PRESIDENT PHILIP:

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

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben.)

PRESIDENT PHILIP:

Mr. Secretary, Reading of the Journal.

SECRETARY HARRY:

Senate Journals of Thursday, April 20th and Monday, April 24th, 1995.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

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

PRESIDENT PHILIP:

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

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Tuesday, April 25th; Wednesday, April 26th; Thursday, April 27th; Monday, May 1st; and Tuesday, May 2nd, in the year 1995, be postponed, printed -- pending arrival of the printed

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Journals.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

Senator Rauschenberger, Chair of the Committee on Appropriations, reports Senate Bills 925, 926 and 1056 Do Pass; Senate Bill 1057 Do Pass, as Amended.

Senator Cronin, Chair of the Committee on Education, reports Senate Amendment 3 to Senate Bill 377 Be Adopted, and Senate Amendment 3 to Senate Bill 403 Be Adopted.

Senator Peterson, Chair of the Committee on Revenue, reports Senate Amendment 1 to Senate Bill 565 Be Adopted.

And Senator Dunn, Chair of the Committee on Higher Education, reports Senate Amendment 1 to Senate Bill 682 Be Adopted.

PRESIDENT PHILIP:

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 1794, offered by Senator Philip.

(Secretary reads title of bill)

House Bill 2349, by Senator Burzynski.

(Secretary reads title of bill)

And Senate Bill -- or, House Bill 2470, by Senator Donahue.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT PHILIP:

Just would like to make a observation, and congratulate the Senate softball team. And as you know, in my younger days I did play on the Senate softball team. I hate to say it, we never won a game. And probably due to my lack of talent. But we came close one time. But to think that the Senate has won three games in a

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row. And we didn't beat them last night fifteen to five; we trounced them last night. So, congratulations. I guess that we have a few walking wounded, but generally speaking, we're in good health today. And also the Bulls. I don't know if you watched the Bulls game last night, but the Bulls were fantastic. They blew 'em right out of the box. And I'm going to make a prediction: Chicago's going to do it again. We're going to be the champions. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Mr. President, on a point of personal privilege. When you did play ball with us, you were quite good, and I don't know why you stopped, but anyway, I just want to...

PRESIDENT PHILIP:

Simply old age.

SENATOR GEO-KARIS:

Well, I -- I don't know. Age is -- is mind over matter. If you don't mind, it doesn't matter. But anyway, I just wanted to commend Frank Watson, the -- the coach and captain of the team, for really riling up a bunch of, you might say, noncommittal players, making them really wonderful players, and Carl Hawkinson, who pitched so well, and Chuy Garcia -- Senator Garcia, who won the Most Valuable Player Award last night, because he caught the long fly balls. And it just showed you how great they were. I mean, it was so thrilling to see them come back. We almost lost. They finally came up to four to six, and then even Chris Lauzen -- would you believe Chris Lauzen? -- actually got a hit and -- and started a rally, and he caught very well. I tell you, and then Panayotovich was the umpire and he had to leave so we put Jeff Dennis, a young -- a young man who works in the House.

PRESIDENT PHILIP:

House employee, I believe. He's a House employee.

SENATOR GEO-KARIS:

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Yeah. He's a House employee. He was very good. But I just want to tell you that those of you who didn't come missed a great show. It was the best show we've ever had. Fifteen to five I think is the best score we ever had. So it must have been your inspiration when you came down, Mr. President, with Senator Weaver, and I guess the boys felt embarrassed if they didn't do well, because they did a great job and I certainly commend them. I wanted to say that the -- the reason we won is the Democrats dropped more balls than -- than Republicans.

PRESIDENT PHILIP:

Would you please cut her off, Mr. Secretary. Well -- you know, and in spite of the umpires or referees being House Members on both occasions, we won anyway, and I would suggest that next time they hire some professional umpires. Because in a couple of instances it wasn't very good with some of the rulings at the -- at the plate. So next year I wish you would hire some professionals. But anyway, job well done. All right. Let's -- on the -- on page 2 of today's -- Calendar, on the Order of Senate Bills 2nd Reading. Top of page 2. 198. Senator Trotter. Senator Trotter. 198. Take it out of the record. Senate Bill -- take it out of the record. Senate Bill 287. Senator Hasara. Senate Bill 287. Senator Hasara. Take it out of the record. Senate Bill 295. Senator Walsh. Senator Walsh. Take it out of the record. Senate Bill 337. Senator Sieben. Read the bill.

SECRETARY HARRY:

Senate Bill 337.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

3rd Reading. Have there been any other Floor amendments that have been approved for consideration?

SECRETARY HARRY:

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No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 403. Senator Shaw. Read the bill.

SECRETARY HARRY:

Senate Bill 403.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

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

SECRETARY HARRY:

Floor Amendment No. 2, offered by Senator Shaw.

PRESIDENT PHILIP:

Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. I would like -- it's a technical -- Amendment No. 2 is a technical amendment, and I'd move to table that amendment. It...

PRESIDENT PHILIP:

Senator Shaw moves to table Amendment No. 2. All those in favor, signify by saying Aye. Those opposed, No. The Ayes have it, and Amendment No. 2 is tabled. Any further Floor amendments?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Shaw.

PRESIDENT PHILIP:

Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. Amendment No. 3 becomes the bill, and the -- the amendment -- the bill -- oh! It's -- it's -- wait just a minute. Amendment No. -- Amendment No. 3 is dealing with the federal Gun Free School Act, and this is in keeping --

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bringing the State in line with the federal Statute.

PRESIDENT PHILIP:

Is -- is there any discussion? If not, Senator Shaw moves the adoption of Amendment No. 3 to Senate Bill 403. All those in favor, signify by saying Aye. Those opposed, Nay. Ayes have it. The amendment is adopted. Are there any further Floor amendments that have been approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Now, I'm going to go back to the top of page 2. Senate Bill 198. Senator Trotter. Read the bill.

SECRETARY HARRY:

Senate Bill 198.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

Amendment No. 1, offered by Senator Trotter.

PRESIDENT PHILIP:

Senator Trotter.

SENATOR TROTTER:

Yes. Thank you very much, Mr. President. The amendment to Senate Bill 198 just makes a simple change. It takes out the terminology of family planning in the parenting skill section.

PRESIDENT PHILIP:

Any further discussion? Senator Trotter moves to adopt Amendment No. 1 to Senate Bill 198. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Any further amendments that have been approved

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for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

3rd Reading. Senate Bill 438. Senator Cullerton. Senator Cullerton. Take it out of the record. Senate Bill 520. Senator Raica. Senator Raica. Take it out of the record. Senate Bill 656. Senator Maitland. Senator Maitland. Take it out of the record. Senate Bill 664. Senator Tom Dunn. Senator Tom Dunn. Take it out of the record. Senate Bill 711. Senator Dillard. Senator Dillard. Take it out of the record. Senate Bill 725. Senator Lauzen. Take it out of the record. Senate Bill 742. Senator Raica. Senator Raica. Take it out of the record. Senate Bill 798. Senator Lauzen. Senator Lauzen. Take it out of the record. Senate Bill 813. Senator Hawkinson. Read the bill.

SECRETARY HARRY:

Senate Bill 813.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary 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. Senate Bill 945. Senator Petka. Senator Petka. Take it out of the record. Senate Bill 1058. Senator Mahar. Senator Mahar. Take it out of the record. Senate Bill 1183. Senator Cullerton. Senator Cullerton. Take it out of the record. The

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bottom of page 7, 3rd Readings. The first bill today is Senate Bill 808. Senator Maitland. Take it out of the record. Senate Bill 823. Senator Mahar. Senator Mahar. Take it out of the record. Senate Bill 824. Senator Mahar. All right. Now, we're on Senate Bills 3rd Reading. Senate Bill 829. Senator O'Malley. Senate Bill 829. Senator O'Malley. Take it out of the record. Top of page 8. Senate Bill 843. Senator Cronin. Read the bill.

SECRETARY HARRY:

Senate Bill 843.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 843 has been amended, and the amendment was proposed in response to concerns that were raised by a number of the Members of the Revenue Committee, as well as representatives of the Department of Lottery. The amendment, and the bill, now provides that -- essentially provides that someone who wins a lottery may have an opportunity to assign the proceeds if they choose to do so, and this choice must be an educated one. They must be fully informed, and a court must -- a court must endorse their action so that the consumer is protected. Currently, if a Lottery winner wins a twenty-million-dollar prize, as -- as all of us know - presumably we all know - that you don't get twenty million dollars. You get an annuity over twenty years for something less than twenty million dollars. Some people suggest that that's a problem with the Lottery and the way that the -- that the Lottery is presented to the public. In any event, this allows the consumer, the winner, to take a lump-sum payment if they choose to do so. I can think of many instances where the



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winner may elect to take a lump-sum payment. Currently, they cannot do so. They are not permitted to assign the prize for purposes of a lump-sum payment. The main issue that was debated at length in the committee was whether or not this -- receipt of this would -- would constitute constructive receipt such that the winner would be taxed at a -- at a higher rate than -- than what they ultimately deserved, or what they ultimately received. This had bipartisan support in the Revenue Committee. I've probably talked too much already as it is. I'm -- Senator Berman, I know, is a strong supporter of it, and I ask for your favorable consideration. Thank you.

PRESIDENT PHILIP:

Any further discussion? Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. I just want to alert my colleagues that we did have a lot of discussion, and Senator Berman and I were in several meetings and we feel this bill is very fine-tuned and we appreciate your support on the passage of this bill.

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

Thank you. I rise in support of the bill. Some of the technical problems have been addressed and the group that -- or, the groups that would be coming in to -- to give a lump-sum payment to Lottery winners would have to get an IRS ruling regarding favorable tax treatment before they could even start to make these -- this offer. That was a very important threshold that's built into the bill. I urge a Yes vote.

PRESIDENT PHILIP:

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

SENATOR CRONIN:

I just ask for your favorable vote. Thank you.

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PRESIDENT PHILIP:

All right. The question is, shall Senate Bill 843 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 57 Ayes, no Nays, no voting Present. Senate Bill 843, having received the required constitutional majority, is declared passed. Now, with leave, I will go back to page 7 on the bottom. Senate Bill 829. Senator O'Malley. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 829.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Senate Bill 829, as amended, requires that a unit of local government under Section 1 of Article VII of the Illinois Constitution or a school district filing a complaint for condemnation shall have a clear and convincing burden of proof that the property to be acquired is needed for a specific and presently necessary project. I'd be happy to answer any questions there may be.

PRESIDENT PHILIP:

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

SENATOR O'MALLEY:

Just appreciate an affirmative roll call.

PRESIDENT PHILIP:

All right. The question is, shall Senate Bill 829 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish?

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Take the record. There are 54 Ayes, 2 Nays, none voting Present. Senate Bill 829, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz, on Senate Bill 850. Out of the record. Senator Molaro, on 854. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 854.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Molaro.

SENATOR MOLARO:

Yes. Thank you, Mr. President, Ladies and Gentlemen of the Senate. This legislation does two things. It prohibits the sale of exotic animals - nonindigenous animals to the United States - for the purpose of shooting, wounding, or killing the exotic animal while the exotic animal is tied, staked out, caged or otherwise confined in a man-made enclosure - what we usually call "canned hunts" - with the exception that the hunting of exotic animals under programs sponsored or regulated by the State or federal agency would be permitted. So if the Department of Conservation permits it, and you get a permit, you can do it. They -- it's allowed under this bill. Existing law requires clubs that partake in this type of activity to register with the DOC. Secondly, what this bill does, it includes ratites, which are ostriches and emus, in the definition of livestock. This change was at the request of the ratite industry, which is trying to promote this industry. And that's basically what the bill does.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Woodyard.

SENATOR WOODYARD:

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Yes. Thank you, Mr. President, Members of the Senate. I wish to compliment Senator Molaro in -- in putting this together and compromising with the Department of Conservation. There was a concern about the possibility of affecting hunting preserves. This bill does not do that. The second thing, in definitions of "exotic animals", people were concerned about, does this affect pheasants that are naturally Chinese birds. Well, first of all, his bill affects only mammals. It does not have any effect on pheasant hunting. I think he's got a good bill, and I encourage support for that.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR MOLARO:

Thank you. There was a lot of hard work done on this bill and I would appreciate a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 854 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 56, the Nays are none, none voting Present. Senate Bill 854, having received the constitutional majority, is declared passed. Senator Dunn, do you wish to return Senate Bill 897 to the Order of 2nd Reading? Senator Dunn seeks leave of the Body to return Senate Bill 897 to the Order of 2nd Reading for the purpose of an amendment. Is there leave? Leave is granted. Mr. Secretary, on the Order of 2nd Reading is Senate Bill 897. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Thomas Dunn.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dunn.

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SENATOR T. DUNN:

Thank you, Mr. President. This amendment is technical in nature in that it -- originally as the bill was introduced, failed to amend the Juvenile Court Act into the sanctions involving the bill, and this amendment changes that and adds it in.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd -- 3rd Reading. Senator Sieben, on Senate Bill 942. Out of the record. Senator Watson, on 944. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 944.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. Senate Bill 944 says it has something to do with fire drills. Well, that's not the intent for this. This is a vehicle, and would just appreciate the -- the support of the Body.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 944 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 45, the Nays are none, 9 voting Present. Senate Bill 944, having

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received the constitutional majority, is declared passed. Senator Dudycz, on 947. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 947.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. As amended, Senate Bill 947 amends the Election Code in the schedule of elections to require that the Mayor of the City of Chicago, as well as the city clerk and the treasurer's office, shall be elected at the consolidated primary election, which is the last Tuesday in February of odd-numbered years in nonpartisan elections. If no candidate would receive a majority of the votes, which would be fifty percent plus one, at that point a runoff election would be held at the consolidated election on the first Tuesday in April. In such a runoff election, only the names of the candidates receiving the first and second highest votes shall appear on the ballot. This language is identical to the current provisions for electing aldermen in the City of Chicago. It would eliminate the double campaigning, which had occurred in the City this year. This would save the taxpayers of Chicago some -- some much-needed tax dollars, and I know of no opposition and I would seek your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not -- Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. Could you inform the Body as to how many votes is required for passage of this legislation?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones, this is not preemptive of home rule, so it

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would take thirty votes. Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would just like to say that this is quite a reaction after the election on November 8th. On November 8th Republicans won a lot of seats, and here is an election they are admitting they cannot win. They are throwing in the towel, and they're saying that, "Well, if we can't win 'em, let's eliminate partisan elections. We're not going to let the Democrats win. They keep winning that one. We can't. Let's throw in the towel and say it's not going to be partisan at all." I'm really surprised, Senator Dudycz. I thought someday you would be the Republican candidate for Mayor, and I -- I'm really surprised that you're throwing in the towel, admitting defeat before we even cast a ballot. And I know there are a number of people on your side who would come to Chicago and vote for you had you run, but since you would be running nonpartisan they probably won't. I'm sorry to see that. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Dudycz, to close.

SENATOR DUDYCH:

Thank you, Mr. President. Senator Welch, this would not prevent anybody who is a resident of the City of Chicago to run for the Office of Mayor. Although I, myself, would -- would not have that intention. I'm very happy being where I'm at. Just ask for everybody's support.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 947 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 33, the Nays are 22, 1 voting Present. Senate Bill 947, having received the constitutional majority, is declared passed. Senator Klemm, on 951. Read the bill, Mr.

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Secretary.

SECRETARY HARRY:

Senate Bill 951.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

Senate Bill 951 has some limiting for expenditures by political committees. I'm not sure if we're really ready for this bill as yet. We're still negotiating. So I'll take it out of the record.

PRESIDING OFFICER: (SENATOR WEAVER)

Take it out of the record. Senator Fawell, on 990? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 990.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is really just a -- a shell bill. I'm not sure that we'll even need it, but I'd like to keep it moving just in case something happens that we do as times goes on.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, this shell bill is a shell bill that had the sponsorship of Senator DeAngelis last week. And, Senator Fawell, I'm looking on the Calendar here, and if this is a vehicle, you've got a heck of a passenger over there in that -- in that passenger side.



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PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? If not, the question is, shall Senate Bill 990 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 41, the Nays are 4, 8 voting Present. Senate Bill 990, having received the constitutional majority, is declared passed. Senator O'Malley, on 1007. Senator O'Malley? Out of the record. Senator Cronin, on 1016. Out of the record. Senator Watson, on 1018. Out of the record. Senator Cronin, on 1019. Out of the record. Senator O'Malley, on 1029. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1029.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Members of the Senate. Senate Bill 1029, as amended, adds a new Section to the School Code that allows school districts to employ school social workers and define their duties. Be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1029 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 none, none voting Present. Senate Bill 1029, having received the constitutional majority, is declared passed. Senator Raica, on 1032. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1032.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I was asked to put this legislation in on behalf of mobile home owners, actually, throughout the State. What it basically does is: They have -- it permits them -- the tenants to have the right of first refusal to purchase or lease a mobile park themselves, if notified by the park owner of a proposed sale/lease. It also requires the park owners to compensate tenants if the owner intends to change the use of the land on which the mobile homes are located. And it's felt, by a lot of the mobile home owners, that since there are not a lot of mobile trailer parks in the State of Illinois and they're very limited to where they can put their -- their home, that they would just like the courtesy of -- of being informed that their land is going to be sold, and they would like to have the option to be the first persons to at least put in a bid to purchase that property, and I -- I ask for its support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President, Ladies and Gentlemen. And, Bob, I apologize, but I have to come out strongly against this -- against this bill. If there are few trailer parks now, there are going to be a lot fewer in the future, because what this does is to -- is to bind the owner of the trailer park in a situation that is a no-win, essentially for that person, because, as I read the bill, if -- if the tenants say no, the -- the owner is -- is really stuck with the -- with the property whether he wants it or not.

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Secondly, if you -- if you can imagine, this is nothing more than if you owned an apartment building. If you were the owner of an apartment building, your tenants could have the right of first refusal and all of the other that I -- or, more onerous things that I think that are in this bill. It seems to me that an owner of a property should have some basic rights, and this, in so many respects, takes those basic rights away from the owner. I would suggest that unless we want to extend this someday to all apartment dwellers, that we vote this down now.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this is not like an apartment. Not at all. Not at all. There are very few parks that have these mobile homes on them, and they are -- let me tell you, those people who own those mobile homes are at the mercy of the landlords. I've had several situations that have happened in my area where -- I had a -- an estate, the man had a mobile home and I was told that it'd take three thousand dollars to move that mobile home off the grounds. Now, all I can tell you is that what this bill is doing is trying to make it more equitable for the mobile home owner. And I understand that a -- a right of first refusal, if they all got together and wanted to buy it and match the price that the park owner would get from someone else, what's wrong with that? When you have so few mobile home parks, they are -- the -- the people who own those mobile homes are at the mercy of those parks, and most of them are senior citizens and disabled citizens. And I think we have a duty to try and help them. If there is some correction to this bill to be made, fine, let them do it in the House. But let's pass it out of here. This bill has been supported by AARP and a whole flock of -- whole flock of people and -- and groups, and I think it's only

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fair and equitable to give a chance to the person who owns a mobile home to have some element of protection in being in a mobile park, and I ask for favorable approval of this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Couple of questions for the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR LAUZEN:

Senator, can you give any other example where we legislate a sale contract for any other asset in the State of Illinois?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Raica.

SENATOR RAICA:

If I had that question a week ago, I might be able to research it, but I don't have one now.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

Well, one of the reasons why I would ask this question is that this is a very important step forward, and I believe that this is the first day that this is being presented on the Senate Floor. For instance, one of the concerns, and maybe you've already handled this in an amendment and I'm just not aware of it, but one of the things that I'm under the impression is that this would restrict a person who owns a mobile home from selling it to a family member. Is that accurate, or has that been amended out of the bill?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Raica.

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SENATOR RAICA:

I -- I was discussing something with Senator Fawell, but I think -- it doesn't say that they can't sell it to a family member, but the tenants -- the main crux of this, Senator Lauzen, is there have been numerous situations where these people have been told, "I'm getting rid of this land. You have to take your mobile homes and move." And they have no place else to move to, because a majority of the mobile trailer parks -- or mobile home parks, I'm sorry, have been closed throughout this State. If there's a provision that you're asking that would preclude the owner from selling to one of his family members, I'm sure I can -- or, I would have that put on in the House, if that's a concern of yours. I -- I really don't have a problem with that whatsoever, to tell you the truth.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

Well, I do use that. I've -- I've just -- you know, I've had one comment, one stop in -- you know, one person raised a couple of issues about a restriction -- a restriction on the sale of an asset. For instance, if you owned an apartment building, would you want the Legislature to restrict who you would have to give a first right of refusal to? I think that the one example of selling or transferring to a family member -- perhaps you would want to sell it for a lower price than you would to a group of the residents. Would you want an apartment building that you might own restricted, that you have to give the tenants first right of refusal?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Raica.

SENATOR RAICA:

Senator Lauzen, I mean, I can appreciate the example that

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you're giving, but I think we're mixing apples and oranges here, because apartment buildings there are hundreds and thousands of throughout the State. The problem is, these people can't just up and move out of a mobile home and move someplace else. There just is not property around. I -- I don't see where it's the same. And as far as do we do these things with land? I mean, they condemn property all over for different reasons in this State. Eminent domain they take over property. The problem is, these people have no place to go. So -- I mean, but I -- I respect you, and I -- and I know what point that you're getting at.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins.

SENATOR COLLINS:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR COLLINS:

Senator, we had some concerns in -- in the committee in reference to the provision in the bill that required the -- if the landowner wanted to change the use of the land, that they had to not only notify the -- the mobile home owners within ninety days of the intention to do so, but also you are requiring the landowner to pay for the relocation of the mobile homes. Did you do anything about that with an amendment?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Raica.

SENATOR RAICA:

Can -- Senator Collins, would you just repeat that question, please?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins.

SENATOR COLLINS:

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There was a provision in your bill - and I don't know whether it was intentionally or not, but I see according to my staff analysis here it's still there - that required not only -- if the land -- for example, if you owned a trailer park - the land - then if you wanted to change, for whatever reason, the usage of your land and you are no longer going to have a trailer park, you require the owner of the land to have to purchase or pay for the relocation of the mobile homes on that land. Now, I think that's -- you know, I am very, very consumer-oriented and I think my record speaks to that, but I think you really are going to far and it may not be your intention, because it's really unfair. If you own a parcel of land and you decided, for redevelopment or for whatever other purpose, that you wanted to change the usage for, you most certainly should not have to purchase a home of which you had -- a mobile home of which you had leased the space out for. I think that's taking it a bit too far and it's unfair.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR RAICA:

Well, thank you, Mr. President. I meant no malice by putting this piece of legislation in...

PRESIDING OFFICER: (SENATOR WEAVER)

Excuse me. Senator Collins, I didn't take that as a question to the sponsor. I took it as a -- a comment and a statement. Do you have a particular question you wanted to ask? Senator Collins.

SENATOR COLLINS:

Yes. Senator, I know I'm not dealing with malice. I said it may not have been your intention, but it's in the bill. And so I wanted to know, was it your intention to force the owner to purchase all of the mobile homes on his or her land after requiring to -- I mean, complying to the notice requirement that

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he had to give out, or she had to give, to the mobile home owners?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Raica.

SENATOR RAICA:

Yes.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR RAICA:

Thank you, Mr. President. As I stated, there was no malice intended by putting this legislation in. The people who own mobile homes - it's just like you can't get up and move and move to another house, or move someplace else - a lot of times they can only afford the mobile home they're living in. They're shown a piece of property when they first come in and tend to buy the mobile home. They walk in, and all of a sudden, the plot that they're shown isn't exactly what they're going to live in once they -- they move into this mobile trailer park. They -- they have a lot of problems in these particular trailer parks. This is just saying, if they're going to sell that property, they would like the right of first refusal, because there are so very few trailer parks in -- in the State of Illinois. There is no place for these people to go. I would just ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 1032 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 24, the Nays are 29, 2 voting Present. Senate Bill 1032, having failed to receive the constitutional majority, is declared lost. Senator O'Malley, do you wish to recall -- out of the record. Senator Syverson, on 1036. Read the bill, Mr. Secretary.

SECRETARY HARRY:



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Senate Bill 1036.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1036 amends the Criminal Code in relation to obscenity offense, to change the standard of public acceptance of material from a statewide standard to a county standard. A couple things I should point out regarding this piece of legislation: First of all, it simply changes the definition of community standards. It does not liberalize or narrow the definition of obscenity. Another thing is, we have drafted, but we have not had put onto the bill yet, language which takes the libraries out. We've worked with them. We have an agreement on that, and we will take care of that amendment over in the House, which will take libraries out of this legislation. We've also had discussions with the Motion Picture Association, and will continue dialogue on this legislation over in the House. This is currently the -- the law in eleven other states, including states like Massachusetts and Minnesota. Fourteen other states have a more liberalized definition of community. And with that, will answer any questions that you might have on this bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? 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 Syverson, as I understand it, you are shifting from

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the standard set by the State to the -- to a standard in the county or the community. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

Currently when a -- when a case goes to the jury, the jury is instructed that -- to define obscenity they have to look at what the entire State feels an obscenity is. So the jury may feel, in that particular community, that something is -- is obscene and wrong and pornographic, but if they're instructed, or if they can be given proof that that material is -- is accepted somewhere else in the State, then that is proof that can be used to throw a case -- case out or give the opportunity that a jury cannot render a decision that it would like to render.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

What is the current State standard? Do you have some examples of -- of what -- what we use as a standard against obscenity?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

This is a criminal case, and I think every -- every case stands on its -- on its own, and would be up to the jury to decide what that definition of obscenity is. And this, again, does not change that definition of obscenity.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

...(microphone cutoff)...understand from our staff that it is established by experts -- with some expert assistance. Is it your intention to have experts work with this at the county level?

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

That would be the same, but it would be limited to a county level then.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

Senator Syverson, as a grandmother of four, I certainly share your concern about pornography and obscenity and so forth, but I'm also a little concerned that we don't fall into a -- a trap of -- of a parochialism that sets one community against another. I -- I just have a real fear about a kind of anarchy that could come from this. That's why I was asking you if there is already a process in place, and if we already use experts, then I'm not sure what it is you expect at a county level that is not already available to you at a State level.

PRESIDING OFFICER: (SENATOR WEAVER)

Is that a question, Senator Palmer? Is that a question, Senator Palmer? Senator Syverson.

SENATOR SYVERSON:

And again, I guess my response is -- can -- can maybe best be summed up in a letter I received from the State's Attorney in -- in Champaign, where he recently lost a case against an adult book store - Champaign Books, Inc. - and the sole defense was that they were able to find the material in another part of the State, which was sold in that State <sic>, even though the -- that county and the jury of the peers in that county found it very offensive. That case was lost solely because of -- of that decision, and I think it's time that we just allow the -- we give the State's attorneys one more tool to help fight the seriousness of -- of pornography in -- in this State and the effects that it has not

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only on women, but on children.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he would.

SENATOR JACOBS:

As our analysis puts it, we're giving this authority to the  
counties. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

Giving it to the citizens of the county, the jury of their  
peers.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

So, then, we are allowing the county to preempt any municipal  
ordinance that may be on the books. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

It does not exempt that -- or, preempt that.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Well, if we're putting it to a county standard and the city  
has its own standard, I would beg to differ. I would think that  
you are, then, allowing the county to preempt the home rule unit  
of the cities by making a ordinance that may be tougher and/or

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weaker.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. At -- at -- at the risk of exposing the fact that I am much more conservative than some Members might think, I rise in strong support of this legislation. In Chicago, right now, you can't even go and buy a newspaper without seeing all kind of -- of nudie magazines and all that. And Jimmy D. might like it, or Johnny Cullerton, but it all has its place. And it -- the place is not in front -- the place is not in front of anyone who walks up to buy a newspaper. It's simply out of hand. I hope that we go even further than this, and -- and that Senator Bev -- Bev Fawell will bring back her bill that would keep our young people from buying these obscene records without any kind of check and balance at all. So I rise in strong support of this pro-family, good solid legislation for decency in the State of Illinois. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he will.

SENATOR GEO-KARIS:

In your bill, are you defining the word "community", and if so, what is your definition?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

Community is defined as the county in which the -- the person resides or in which the -- the offense was alleged to have

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occurred.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Would you be amenable that if this bill passes here, and goes to the House, to put an amendment on it to indicate that the county cannot override a restriction if it's stronger of a municipality?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson. Senator Syverson.

SENATOR SYVERSON:

Again, we're not changing that or preempting anything in -- in a municipality or a home rule. That's -- doesn't have an effect on this.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, the leading case on the obscenity standard is Miller versus California, which set out the test for determining what is obscene material. And the test is whether the average person, applying contemporary community standards, would find that the work, as a whole, appeals to prurient interest and whether it's the -- depicts sexual conduct in a patently offensive way, as defined by State law. So although the court did not define "community", the courts have held since then that the prescription -- proscription on obscenity does not have to be based on uniform nationwide standards. Therefore, a juror would be entitled to draw on his own knowledge of abuse of the average person in the community from which he comes from, making the required determination, which I think is a fair standard. I mean, what may be very fine in Hollywood, California, may not be very fine in Zion, Illinois. I

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can assure you. And I think the bill has merit. I think we should pass it, and let's take our chances on it, because I do think that we've gone too far with obscenity. You can't look at most TV programs right now without being sick because all they can do is glorify sex and bad language, and certainly, I think, in the community in which we live we should be entitled to be judges, to a point, as to what should be shown and not shown for young people. I speak in favor of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Molaro.

SENATOR MOLARO:

Yes. Thank you, Mr. President. I -- I -- there must be a misconception of what this bill does. It does not redefine obscenity. So what the Senator from Chicago talked about, pro-family and filth and all this other stuff, this does not stop any of that. We're not redefining what obscenity is in the State of Illinois. It still has the same definition, and it'll still have the same -- same type of -- of interpretation. What we're trying to do here is we're changing what we consider a community standard to be. What we're saying is that we now take a statewide standard. What the State of Illinois -- when someone sits in the jury box and they try to define what the standards you should use to judge, we tell the jury that what you should do is look at the State of Illinois and what our standard, our way of life, should be. What this bill does is say, "Forget what the State of Illinois does, we're going to go community by community." We're starting to think that what's good for one community that there's a different standard somewhere else; that some communities are a little less concerned about their family, a little less concerned about what their children should see than what my community is. Well, you just talk -- saw the Secretary of State worrying about what Wisconsin is going to do about liquor. We don't want it

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where every community should start deciding whether it should be eighteen years old to gamble, twenty-one years old to -- to start drinking liquor. What we're going to start doing is dividing everyone. We're going to start saying, you can sell this book in -- in, you know, Sangamon County, but you can't sell it in Livingston County. I don't know what you'll start doing with -- with stuff that HBO puts out, or some of the stuff on cable, because obviously if you ever saw Red Shoe Diaries or these after hour things, you might not like that. We're going to start blacking them out all over the State of Illinois; start picking up your -- your TV Guide and say, "Oh, we can't show this in Livingston County. We can't show this in Champaign, but we can do it over in -- in Macon or where -- whatever other county there is in the State of Illinois." You can -- and this is why this is duplicitous and makes absolutely no sense. When you have a jury and you give it to the jury, and it's in the same county - let's assume we pass this and now we're in community standards - and you could have two separate trials going on in the same county building. One jury that says community standards could stand there and say, "I think this is up to our community standards", and the next jury may not. And you could have a guilty and you could have a not guilty in the same county. Why we want to say that some standards in one county are substandard and others aren't, seems to me to be ridiculous. That's all this does. It does not redefine obscenity. It doesn't protect the family more. All it does is pit one county standards against another. And it will make people in Chicago, East St. Louis, feel inferior, and that makes no sense. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. I rise in support of this



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legislation for many reasons. Senator Syverson and I, obviously, share a couple of counties in our districts, and I've talked to the State's attorneys in our districts and I talked to them about the problems that we have with child abuse, with sexual abuse, domestic violence, and they attribute a lot of that to some of the standards that we have in the State of Illinois relative to the Criminal Code and obscenity standards. So I rise in strong support of this - allowing people, allowing our local communities, our local counties to adopt those standards - and certainly would encourage my colleagues to do likewise.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. Question of the Chair. How many votes does this take, since it preempts home rule?

PRESIDING OFFICER: (SENATOR WEAVER)

Take thirty votes. It -- it is not preemptive. Senator Dunn.  
SENATOR T. DUNN:

Do I understand that this standard could be applied to Cook County, which is a home rule county?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Burzynski. Senator Hawkinson, do you have a...  
SENATOR HAWKINSON:

Thank you, Mr. President. On that point, I don't see how this can be conceivably viewed as preempting home rule, because the Cook County standard would be the standard in Cook County. The -- the citizens of that county on the jurors <sic> would adopt the -- the community standards for Cook County. It's no preemption of home rule. The same is true with any other county, whether it's a home rule community in Peoria or the Quad Cities. Those cities are part of the county and the citizens of those juries would apply those standards. There's no preemption of home rule here.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dunn.

SENATOR T. DUNN:

I think it's -- I respect Senator Hawkinson's opinion; however, I would add that it's not binding, and I think the courts might have a different view. My question, then, would be to the sponsor. Senator, is the intent of this bill to prevent the distribution within a county and let that decision be made by the citizens of that county?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

I think the -- the -- the intent of this bill is to more clearly define what community is, and to empower the citizens in that community to have more of a role in the -- in -- in defining that.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dunn.

SENATOR T. DUNN:

And isn't their role, Senator, then, to prevent the distribution of certain kinds of material within that county?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

It still has to meet the definition of obscenity, and it does not prevent distribution of -- of materials.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dunn.

SENATOR T. DUNN:

Senator, if -- if county A decided that a certain piece of literature was obscene and county B decided that it was not, then wouldn't the effect be that county A would prevent the

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distribution of that material in county A, but not county B?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

That could still happen today, and it still would not prevent the distribution. It would still be up to the jury if a case were brought against that distributor.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dunn.

SENATOR T. DUNN:

Well, Senator, I think you're avoiding the obvious, and the obvious is becoming clear, and that is that the intent of this bill - and I'm not saying it's wrong - is that you wish for a county, county A, to decide what's good for county A. And my point would be that county A residents could go right next door to county B and obtain the same material that you're trying to prevent. You have also -- you have also, in your attempt to prevent the distribution of materials, acknowledged that there are exceptions and that's the library. But there are more exceptions than the library, because during testimony in committee, I believe it was the State's Attorney from Champaign County said that he would never prosecute anything that came through the TV. Do you recall that, and am I correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

I spent a couple hours on the phone talking with the motion picture associations on Friday, and asked them what the -- what the ramifications have been on the -- the current eleven states that have this and the current fourteen states that have not defined it as statewide, and he was nice enough to admit that there has never been a case brought against them, and there has

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never even been an intimidation or they have never not distributed material because of a potential fear that this might have. This -- the intent of this is not to go after motion picture associations. They have their set of ruling and guiding, and -- and I give more credit to the State's attorneys, that their -- their intent to this is not to be flying off the handle and going after the movie industry.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dunn.

SENATOR T. DUNN:

Well, Senator, you make my point, and the point is that you are attempting to limit what people can read or listen to or see and the effect of your bill, by your own statement a few minutes ago, is that nothing will be blocked from viewing on the television or from hearing. And you have also stated there'll be an exception for libraries. So the point is that you may prevent the distribution of a magazine, but all the garbage that comes across on TV, well -- well, there'll be no effect, and any garbage that happens to be in a library, there'll be no effect on that either. And not only that, but when you make a standard in county A, they can drive across the line to county B and buy the garbage over there. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President. Senator Syverson, I had an interest in this bill. Is -- is this -- does this give a county an option of setting a standard on a county basis, or could they revert to a statewide description of obscenity -- determination of obscenity?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator -- Senator Syverson.

SENATOR SYVERSON:

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I guess there's -- there's still going to be a county standard, and the court is going to -- to -- to limit that to -- to the county definition. If -- if no one in the county objects to certain material, then obviously a case would not be <sic> brought -- would be brought against them, and that would thus set a -- a -- a standard by -- by omission.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Bowles.

SENATOR BOWLES:

Thank you. I wonder whether the sponsor would consider holding this bill and let's talk a little bit further about it, if you don't mind, because I am signed onto the bill, and I'm beginning to have some problems.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

There's going to be some adjustments made over in the House anyway, so we'll be happy to work with you, and if there are things that you're concerned about, we can address that since it needs to be amended over in the House. And if Senator Dunn wants to do a bill that's much tighter and goes after the libraries and movie industry, I -- I'd be happy to sit down with him and cosponsor some legislation with him on that as well.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins.

SENATOR COLLINS:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he'll yield.

SENATOR COLLINS:

Senator, let me -- let me try to understand how this works. If -- first of all, the county board would write up the standards?

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Who would write up the standards? How do -- how does the...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins. Excuse me. Senator Syverson.

SENATOR COLLINS:

Could you -- could you -- who would define the standards? Who would determine what the community standards were in the county? Would the county of -- Cook County Board do that, and you're...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

No, it's not. But if I can refer to Senator Petka to give a more technical answer on that.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. Chairman. The answer to that question is, Senator, in every case where there is a prosecution under their Statute there is a -- a test that is given to the trier of fact. Whether or not it's a judge or a jury, they're given an instruction about what the law is. In terms of setting the standard, what happens is that expert witnesses are called -- that they are called in and they give testimony about -- in their expert opinion, about whether or not the material happens to be obscene. The jury or the trier of fact, by its decision, makes a -- make -- decides what the standard will be.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins.

SENATOR COLLINS:

I -- I -- I have some problems here understanding the definition -- your definition of community. Now you're -- you're saying that the county board is not going to be the one that -- that would determine what the community standards are. Will the

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people of that particular county have any vote to determine what's obscene and what's not obscene? I mean, this is -- to me this is very, very confusing here, and if the sponsor can't even answer something as basic as who will determine the standards or the community standards -- you see, everybody in the community, and now you're saying that expert witnesses will come in. Well, that depend on expert in what. You know, are you an expert in determining what I think is obscene? What every individual in here determine, in that county, is -- is obscene? A group or a -- certain groups of people in that county determine what is obscenity - their standards? Whose standards will you go by? And I understand what's in the law now, so if they're going to use what's in the law now as -- as the standards and case law, then why do we need this bill? That's what bothers me. But what this bill does is what -- a serious mistake that was made twenty to twenty-five years ago in a lot of metropolitan areas. When there were problems of drugs and crime in those communities, there was no law enforcement. They were lax on law enforcement. And so what happened, you had drugs then moving out into the suburban areas and you had crime -- more crime, you had more gangs. And the same thing with carrying guns in the schools. Now you have more guns carried in suburban areas and schools...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins.

SENATOR COLLINS:

...you do in metropolitan areas.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins, would you confine your remarks to the bill before us, please.

SENATOR COLLINS:

That -- but that's the premise of this bill. That's what's wrong with this bill. You cannot -- you cannot have different

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standards of law for different communities and areas in this State. A law should be uniform. In order to be fair, they have to be uniform. And so that's what you're trying to do now, and I think it's wrong. It's the State's responsibility, and if we are going to enact obscenity laws or standards, they should apply to - equally - everyone throughout the State of Illinois. If not, we should not be doing this today, and that's what makes this bill wrong.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President. Senator Petka, has -- has indicated - I think accurately - that the way it works now is that if someone's charged with obscenity, there is a trial and there's an expert witness who testifies what the statewide standards are. And apparently the need for this bill is that, in Rockford, someone was charged with obscenity and the statewide standard, as testified to by the expert witness, apparently was, in the perception of the sponsor, too lenient. So apparently the -- there are some counties in the State which are bringing down the standards that you would like to have set in Rockford, or any other counties. Apparently that's the need for the legislation. Is that -- Senator, is that pretty accurate as to the reason why you're bringing this forward? If you can answer that.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

No. I think the -- as -- as we stated during the committee and the testimony over the last half an hour now, that the reason is, is to -- to give juries and give -- more clearly define what community is, to allow individuals in that county to have clearer say in -- in the area of obscenity.



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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Now I'm really getting confused, because I sat through the committee hearing. Senator Petka just accurately described how it works now. If someone's charged with obscenity, you have a trial. You have a statewide standard. You have an expert witness that testifies what the standard is, and the jury, clearly reading the instructions - and as you indicated, you're not changing the definition of obscenity - they apply the standard to the facts of the case and they decide whether or not the material is obscene. And you're bringing this bill forward because apparently there are some other counties in this State, other than yours, that are more lenient, in your opinion, as to what the community standards might be. So you're hoping for an expert witness to come in and say, "Well, in -- in this county" -- "Were this obscenity in Putnam County where there's six thousand people, in Putnam County I've reviewed the -- the community standards, and I think the standards are that this HBO special is obscene, and therefore I think that, in my opinion, as an expert witness, this is what is the community standard." Now, that's what your bill does. And I think, as a result, it's very impractical, and it's also kind of offensive, because I -- I'm -- implicated <sic> in your premise is that it's Cook County, and specifically Chicago, which is the -- the county that's bringing down the State standards. You know, if this -- if this idea catches on, we can have .08 for certain counties, because the community standards would think, "Well, we should have .08 in that county." How about the concealed weapons bill? Maybe -- maybe certain counties -- or the motorcycle helmet law? I'd be happy to pass that in any county. I mean, that -- that's not something which we -- we ought to do. I -- I don't think that it's practical, and when you're talking about

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distributing something throughout the State, and knowing what is or is not obscene, you're talking about a hundred and two separate definitions of what an expert witness would say is the community standard. You're not talking about a hundred and two different definitions of obscenity, but if you have a hundred and two different expert witnesses giving a hundred and two different standards, then, in effect, when you interpret what obscenity is, you have a hundred and two different definitions of obscenity. And for that reason, I would urge a No vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Carroll.

SENATOR CARROLL:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR CARROLL:

Am I correct, Senator, that were this law to pass, you would have a community standard that could declare something non-exhibitible in a movie theater? Likewise, therefore, you could not rent that movie in a video store, but were that movie to be shown on television, then that would be allowed in that community?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

Currently, there are -- that's true. There are fifty different standards, as every state has different standards. And of course, in the -- the eleven states that currently have it, each one of their counties will have that. So that currently is in effect now.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Carroll.

SENATOR CARROLL:

Then maybe I just don't understand. You're saying it's okay to watch it on television, as long as you didn't use the television because you rented the video tape, and that you can't go to the theater to see it, but you could go and watch it on television - it was shown, even if, in that county, a jury had found that it was obscene. Is that right?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson.

SENATOR SYVERSON:

I don't think I have ever stated, or suggested, that.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Hendon, for a second time.

SENATOR HENDON:

Thank you, Mr. President. I apologize for rising a second time, but we need to clear up a couple things. Specifically, I want to speak to what my good friend, Senator Molaro, said, and -- and how people are making this a -- a -- an attack on Cook County. Cook County can still set its own standard. If Cook County decides that everything is everything and they don't want to change nothing, then that's what Cook County would do. But let me just tell you something, I used to live on Lake Shore Drive, and I understand why Senator Cullerton is -- is against this. On Broadway, up in his district, anything goes, and -- and you would not want that necessarily in your community. If they put some of the stuff that's on Broadway in Austin, in Senator Collin's district, the people of her district would have a fit. Now, I'm saying that there are - and there should be - opportunities for different communities to set their standards on this question of obscenity. I don't know who we're trying to protect here, some of my colleagues on this side of the aisle. We should be thinking

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about our children. We must face up to the fact that America is in decay and it's in decay based on our own liberalism and our own determination to have freedom. Well, freedom gone wild, my friends - it's what's causing harm in this country, and I'm just as liberal as anybody on this side of the aisle, but at some point we got to stop and say, "What's going to happen with our children?" Now, I know Mr. Jack Velente, the head of the Motion Picture Industry -- Association personally - a decent and fine man - and we had this discussion last year. This is not going to affect the movie business, but if it takes some obscene books out of -- out -- from all of these newsstands where children who just go up there to -- to buy a newspaper for their mother or father don't have to look at all these naked bodies, then that's fine. And any Senator here that still wants to go behind closed doors, or have a nudie party, or whatever, you can still do it. You can invite me, I might come. But it should not be in the face of the children, and we better start facing up to that before this country continues on a downward slide because of -- of -- of people who won't face up to the fact that you can go too far with this liberalism. And I urge an Aye vote.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Syverson, to close.

SENATOR SYVERSON:

Thank you, Senator Hendon. To my seatmate, Senator Hendon, thank you. We are not departing in some wide-eyed scheme here.

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This is -- this is something that's already taking place in eleven states, including -- and these aren't what you would consider Bible Belt southern states. We're talking about Minnesota. We're talking about Massachusetts, New Jersey. This is currently the law. It's working very well. We have talked to the State's attorneys. And again, this is a tool that they feel is helpful. And I think if we can give them additional tools to combat this serious problem, we should do that. And I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 1036 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 40, the Nays are 14, 1 voting Present. Senate Bill 1036, having received the constitutional majority, is declared passed. Senate Bill 1066. Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1066.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1066 is amended. It states that -- what is -- pretty much a common practice now in Springfield, that Members of the General Assembly or candidates for the General Assembly should not solicit funds during the last eight weeks when we're in Session, and the week in Session during the veto period. It also changes the Act from the Elections Code into the Ethics Act, and I think everybody probably follows that now. As you know, most of the major groups down here - lobbying groups - do not participate. So

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I think we're really kind of putting it in the record on the Ethics Section. So I do ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he would.

SENATOR GEO-KARIS:

Senator, this only applies to Sangamon County?

PRESIDING OFFICER: (SENATOR WEAVER)

He couldn't hear you, Senator Geo-Karis.

SENATOR GEO-KARIS:

This only applies to Sangamon County?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

Yes, Sangamon County.

PRESIDING OFFICER: (SENATOR WEAVER)

Other discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR WELCH:

Senator Klemm, does this apply to the party's political action committees such as the Committee to Elect a Republican Senate, Committee to Elect a Democratic Senate? Does it apply to them or not?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

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No, it only just applies to the individual candidates.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

Well, many of us have had problems with that in the past, because what that does is that encourages all of the political action committees that do contribute to contribute to one central source and let them - the heads of those committees in the House or Senate - parcel out the money and require strict party-line votes. So is the purpose of your bill to enforce party discipline, as opposed to stop soliciting donations? Because, obviously, what you have now is instead of Senate Members or House Members -- instead of Senate Members or House Members talking to lobbyists, you have one person: the head of the political committee in the House or the Senate. So, how does this improve anything? It seems to me it concentrates power in the hands of four people.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

Well, I think the public perception, obviously, is that individuals are having their fund-raisers and -- and the public perceives twisting the arms of -- of lobbyists who contribute while they're sitting there voting on important issues, is certainly something that is -- is probably to be avoided. This does that. It's -- it really has more affect politically than it does legally because it's under the Ethics Act. It's saying you should not do that. There's really no penalties, as you know, because we're fearful of the First and Fourteenth Amendments. So, this is saying that -- don't do it. I've allowed -- because the two parties - the Democrat and Republican parties - may have fund-raisers - they have their political offices here - sometimes

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funds come in from fund-raisers that were held even during a period that we're not in Session or away from Session. The monies do come in during that period. I felt that was unfair that those checks that came in during those eight weeks could not be deposited. That's the reason I didn't exclude them, if you will, because it was almost impossible to do, since their offices are located here, generally speaking. Now it doesn't prevent you from having all the fund-raisers you want in your district. It doesn't prevent anybody from doing that. I think this goes away of trying to do codify, if you will, what is pretty common practice now.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

Well, would you be willing to amend your bill to include the political action committees of the two major political parties? Then it would make some sense. Otherwise, what you do is, every Member here is given tickets to sell on behalf of the political action committee for your party. I mean, this assumes that constituents are -- are stupid, basically. People are not that dumb. People know what's going on. All of us say, "Well, I'm not soliciting money for myself." No, but we've got tickets to sell for our party. So would you amend it to include those parties?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

Yes, I'd be delighted to. I have no problem with that at all.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I concur with Senator Welch's remarks about putting all the power into one hand. But let me ask you a question. You



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stated in your remarks that it preempts no one from raising funds in their own district. Is there an exemption then in here for that -- those people representing Sangamon County?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

They would -- they would be -- be prevented to do it in Sangamon County.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

That's my point. So -- in fact, I'm surprised to see one of the sponsors on this bill. But what we're saying then, no candidate, nor a -- no Member of the General Assembly, nor a candidate, can raise any funds in the last two months that we're in Session. So that would prohibit a candidate running from this district from having a fund-raiser for two months. Is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

Are you speaking about a candidate running for another office, or are you speaking about a person running for the General Assembly?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Either someone who is a Member or who is a candidate for State Representative or State Senator from Sangamon County would be precluded from holding any fund-raisers in Springfield for those two months. So therefore, you would, in fact, be discriminating against a candidate and/or a Senator in the State of Illinois.

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PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR HENDON:

Senator Klemm, does the Governor, with his powers, does he have any say over what happens with legislation that one lobbyist or another lobbyist might be pushing?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

I'm sorry. I didn't catch the first part. Could you repeat it, Senator?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

I asked you, did -- does the Governor, with his power - veto power, signing bills or whatever - does he have any power over legislation that -- that one lobbyist or another lobbyist might be pushing?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

Well, I'm not sure what you mean about power over lobbyists? He has the right to veto a bill, amendatorily veto any bill he wishes, and that's the constitutional right he has, as a safeguard to the citizens.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

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Okay. So even though he doesn't have a vote in this Body, he still has the final say over legislation. So, does this bill affect the Governor? Can the -- does the Governor -- is the Governor now prohibited from having fund-raisers during Session, like you want to do to us little, poor legislators?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm.

SENATOR KLEMM:

No, this legislation only affects Members of the General Assembly. I'm certainly -- if you wish to put some bills in to prevent any statewide officers doing it, fine. I -- I would look at that very, you know, openly. The Governor does -- is not the final vote -- the final say on a bill. As you know, if he vetoes a bill, we, the General Assembly, have the final action to override. So, he does not have the final say.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

But you -- you do agree that he has influence over legislation. I want all the Members of -- of the Senate to really take a serious look at this. I'm having a fund-raiser in two weeks, and if this passes, then I'm doing something ethically wrong, or -- even though there are no penalties in there, your opponents can then say you're doing something ethically wrong. Also, while you're out -- down here - and I'll use the word "stuck" down here just to -- for emphasis - your opponent is back in the county working and raising money to run against you. You can't effectively run a fund-raiser back home, and you're down here. I just don't understand how you think we'll be able to do it. You're going to put all of our opponents - each and every one of you, if you vote for this - you're going to put your opponent in a stronger position to defeat you, because they will be able to

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raise money with that personal touch back home and you're down here doing the people's business and can't raise a dime. Finally: I love my Leader. Emil Jones is -- is -- is beautiful, wonderful person. And I'm sure you all love Pate Philip. But we would be crazy to give them all the power to raise the money and then hold you hostage, because you can't raise any money and they have all the money. We should be about, if anything, weakening the power of the Leadership so that we can be individuals and do a better job representing our districts. But we would be crazy to give the Leaders all the power to raise all the money, and then we've got to go begging to them. And when you vote against them, you know they're going to close up the pocketbooks. Emil done told me that a couple of times. I know he's going to do it. So I need the ability to raise my own money so that then I can vote with the Republicans or vote with the Independents or vote with whoever I feel is right, based on the legislation and not based on the fact that my Leader got all the money and I don't have a dime.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. I welcome Rickey Hendon back to our side of the aisle. The other -- the other point I would make -- and a little more serious point -- you know, it seems like sometimes some of my conservative colleagues here feel that government should be out of the affairs of people, except when they feel it's important for government to be involved. So, I -- I don't really know what we're trying to do here. However, I think Senator Welch is right. If we're going to do it for us, we might as well do it for the parties, too. To do that, actually, I'll -- I'll turn my tickets back into Senator Jones for the Democratic fund-raiser and not sell them. So this just a -- my way of showing my support. Thank you.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm, to close.

SENATOR KLEMM:

Thank you, Mr. President. Yes, I'll suggest to the sponsor in the House to make that amendment that we talked about. I have no problem with that. Certainly, to answer the concern of those who feel that your opponent will have fund-raisers back in your district while you're here, of course, you can have fund-raisers in your district at the same time. There's no problem with that. I think certainly this tries to clear the air of the perception that -- that we're really on the take or we're being paid off. You know all of us don't believe that, but it's perception and sometimes perception is important. And I think this may go a long way to resolve that issue, and I do ask for your support.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 1066 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 33, the Nays are 6, 14 voting Present. Senate Bill 1066, having received the constitutional majority, is declared passed. Senator Petka, on 1091? WCIA-TV has asked permission to videotape. Is there leave? Leave is granted. For what purpose does Senator Fitzgerald arise?

SENATOR FITZGERALD:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR WEAVER)

State your point, sir.

SENATOR FITZGERALD:

Thank you. Mr. President, Ladies and Gentlemen in the Senate, we have some visitors from my home township, officials from Palatine Township, who are behind us in the gallery. Chris Freeman, Carlotta Fowle, Joan Kuhn, and Mary Jobst. I'd like to

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ask that they rise and that the Senate recognize them. I appreciate them being down here.

PRESIDING OFFICER: (SENATOR WEAVER)

Will our guests in the gallery please rise? For what purpose does Senator Walsh arise?

SENATOR WALSH:

Thank you, Mr. President. Today is home schoolers' legislation day, and we've got a group of home schoolers from my hometown of LaGrange Park in the President's Gallery. And I'd like to introduce them. Jean Dukes and her children: Benjamin, Lauren, Peter, Joanna and Jennifer. And Jody Norcross and her children: Christian, Noah and Seth. Right in the President's Gallery there. Welcome to Springfield.

PRESIDING OFFICER: (SENATOR WEAVER)

Will our guests please rise and be welcomed. Senator Petka, on 1091? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1091.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

SENATOR PETKA:

Thank you, Mr. Chairman, Members -- or, Mr. President and Members of the Senate. Senate Bill 1091 creates the Illinois Streetgang and Racketeer Act <sic>. This is an ongoing expansion in the war against streetgang racketeering. What this does, basically, is provide another tool in the arsenal of prosecutors who have their communities plagued with streetgang activity. We have here permitted a prosecutor who has accumulated a number of offenses - five offenses, three which must be felony -- felony offenses - to come under the purview of this racketeering law.

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The -- if the individual is convicted of violation of this Act, then the individual will be -- it will be a Class X felony with twice the minimum and twice the maximum terms. A Class -- if the underlying offense is a Class 1 felony and it falls within this Act, it would become a Class X felony with a mandatory imprisonment of eight to thirty years. There has been an ongoing effort to try to keep this bill within the constitutional limitations which we have in the federal and State Constitutions. The bill is not in perfect form yet, and as I indicated to a couple of people who have expressed reservations about this legislation, it is my hope to get this bill out of here, bring it over to the House and continue the process of adding further amendments to the legislation, so that we can have a bill which is truly consistent with our Constitution but also grants powers to the police and prosecutors to go after the predators on our streets.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. Would you give us -- would the sponsor yield, please?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would.

SENATOR SHAW:

Does your bill give a definition of a streetgang?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

SENATOR PETKA:

Yes, it's the same definition which is found under the -- the current Act.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shaw.

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SENATOR SHAW:

How do we -- in your mind, would you tell us how you identify the streetgang?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

SENATOR PETKA:

Unfortunately, Senator, I don't have the -- the legislation immediately before me, so I'm going to have to try to go from memory. Okay? But I believe that it was a -- an organization with a hierarchy that has a -- basically a criminal purpose.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shaw.

SENATOR SHAW:

Certainly, to the -- well, one other question. You're going to do some additional work on this in the -- or, fine-tune it over in the -- try and fine-tune it over in the House?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

SENATOR PETKA:

Senator, the answer to that is yes, and I'll -- and I'll tell you why. When we first heard this bill in subcommittee, this bill was given to -- to me to handle through Mayor Daley's Office. When I first read the legislation, I had indicated to the gentleman who -- who actually drafted the legislation that the bill went further than I was personally -- I felt comfortable to go in terms of -- of people's right to freely associate with other people. So, we basically toned this bill down. We restricted it and took a major step into working it into shape so that we could have a tool which could be used by police and prosecutors to go after streetgang racketeers.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Shaw.



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SENATOR SHAW:

One final question. On the -- now, racketeering - is this dealing with drugs, prostitution? What all is this -- this covering here in the bill, if you remember?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

SENATOR PETKA:

I think that the -- the real reason for this type of legislation, Senator, is this: There are times when there are, for lack of better word, sting operations which are used, where undercover agents basically are working and infiltrating the racketeer -- or, streetgang organizations, where they know of criminal conduct or misconduct that is ongoing. In that situation, individuals who have accumulated a number of felony offenses can be basically prosecuted by a -- for more severe penalties, such as if they were involved in a series of burglaries to further the coffers of the streetgang, that if this was in conjunction with streetgang activity, that they could be prosecuted as Class X felons, where right now it's a Class 2 felony.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Shaw.

SENATOR SHAW:

One final question. Is there any wiretapping in this bill? Do you...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

SENATOR PETKA:

Would you just have the gentleman repeat the question?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka. Senator Shaw. Excuse me.

SENATOR SHAW:

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Is there any authorization for wiretapping, as relate to this, in this bill?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

SENATOR PETKA:

Senator, we have given authorization for wiretapping in prior legislation. This bill creates a new crime, not a new process.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR PETKA:

Mr. Chairman, I believe the -- Mr. President, I believe that the bill has been adequately discussed, and with the proviso that I had during my comments, I would ask for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall Senate Bill 1091 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, 3 voting Present. Senate Bill 1091, having received the constitutional majority, is declared passed. Senator Severns, on 1095? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1095.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. This -- this bill simply requires that when a woman receives a mammogram that she's also orally told that breast self-exams are also vital, because mammography is -- technically good as they are, cannot

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detect one hundred percent of breast cancers. I know of no opposition. The Department of Nuclear Safety, in particular, was very instrumental in drafting the language. The Cancer Society and the Illinois Radiological Society all participated in the drafting, and the language, and I know no opposition. Will be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Bill 1095 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 none, none voting Present. Senate Bill 1095, having received the constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR WATSON)

We have some special guests with us, and I would like to take this opportunity to thank the Regional Commerce and Growth Association for sponsoring the softball game last night. And they're with us here. The Regional Commerce and Growth Association, I believe for the last four years - is that right? - for the last four years has sponsored our annual Senate-House Softball Game and have done an outstanding job of revitalizing that in the name of Pete Miller, of course, who -- that's the -- former State Senator Pete Miller, in which the game is named for. We have been very successful here in the Senate, since they have taken this game over, having won three and not lost but tied one year - unfortunately tied. But we'd like to have all the team members come up here. We -- we want to get a picture and we want to have a presentation, and I -- Steve Hoven, who is a very good friend and a member of the RCGA and part of their staff, has -- was the one who really originated the RCGA's participation in this. Dick Fleming, who is the president and CEO, who was with us last night, unfortunately can't be here today, but Steve has some

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members of the RCGA here with -- with him now that I'd like to have him introduce.

STEVE HOVEN:

(Remarks by Steve Hoven)

PRESIGING OFFICER: (SENATOR WATSON)

We want to also thank Bill Jardine. Bill Jardine's the guy on -- on site here that does a lot of the work in regard to making this a success. And Bill, I believe, is in the back and has the -- okay, here we go. Is John -- where's John Cullerton? All right. John's a cocaptain and unfortunately -- all right. Here we go. Absolutely. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Mr. President, on a point of personal privilege. I would like to state that Senator Jimmy DeLeo and I were the commentators in that ball game, and Jimmy finally remembered that he's a Senate Member instead of a House Member and was very helpful. And I'd like to mention that the Members of the team were Brad Burzynski; James Clayborne, who's considered a free agent; John Cullerton, the cocaptain; Miguel del Valle, who did a good job catching - he didn't drop as many balls as the House catcher did; Vince Demuzio, who is the redshirted -- he's redshirted till next year - he didn't play; and Jesus "Tweets" Garcia, who is the Most Valuable Player - and is up there - this year; Carl Hawkinson, who out pitched himself beautifully 15 to 5 and last -- and was last year's Most Valuable Player; and Rickey Hendon, who did very well, because this is one time his legs moved faster than his mouth; and Chris Lauzen, who -- was a good catcher and started a rally after two outs where we got more runs in. And Lauzen is so conservative. He forgot his conservatism and was really liberal in the way he played, very well. And, Bob Molaro, the former Most Valuable Player, and he did drop a ball, but then he found out he couldn't

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last if he lost his balls. So he did a very good job. And -- and Ed Petka - Ed Petka - one of our dependable Members. George Shadid -- Shadid didn't play, but he was there to coach. Shadid. I've got it straight, Shadid. Don't worry about it. You went to Lebanon a few weeks ago while we stayed here and suffered. Todd Sieben, who also started a rally and caught very well. And Dave Syverson, by golly, he did a good job. You'd never know that this kid from Rockford could play so well. He did a good job at first base. And Tommy Walsh, the rookie of the year, he came through royally for us. Frank Watson, the cocaptain and coach. You know, the coach got a bunch of misfits together and made 'em real good baseball players. And we are very grateful to the Regional Commerce and Growth Association of St. Louis and to Dick Fleming, Jo Ann Minks, Senator Watson's secretary, who worked with Stacey, I believe her name was, together with Bill Jardine. And all I can say is being in the House and Senate for almost twenty-three years, it's a pleasure to see the Senate baseball team show the House what's what. Our team is older, but they have maturity and more experience, and they didn't drop their balls as much as the House did. Congratulations.

SENATOR BARKHAUSEN:

Mr. President. Senator -- Senator Watson and team, I thought it would only be appropriate that proper tribute also be made to the last speaker, the announcer on -- on our side, Adeline Geo-Karis. Comparisons and likenesses have been made and drawn between Senator Geo-Karis and a -- another durable, venerable announcer first famous in St. Louis and now for the last twenty plus years in Chicago, both on the South Side and the North Side, one Harry Caray. I think the -- I think the comparison extends to -- to -- maybe to the fact that what they sometimes miss in the finer points of play, they make up in enthusiasm and loquaciousness. And -- and, Adeline, here's to you for the job

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that you've done bringing success to our Senate team now for many years.

PRESIDING OFFICER: (SENATOR WATSON)

We are on page 9 of the Calendar. Senate Bill 1097. Senator Syverson? Oh, I beg your pardon. Severns. Excuse me. Senator Severns. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1097.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and winning coach. This -- this bill is an idea that actually came from a young woman in my district, but it's an idea that Governor Tommy Thompson in Wisconsin and subsequently, Iowa, Michigan, Vermont, Florida have tried. It provides for a two-year pilot program for two demonstration projects in the State of Illinois to establish self-sufficiency accounts for AFDC recipients. The goal is that that recipient can build up a small account. The figure that was arrived at, in consultation with the Department of Public Aid, was five thousand dollars, so that they can gain the resources that are necessary to -- to become independent and break off the welfare roll. The committee was good enough to pass it out unanimously, and I -- I know of no opposition and would appreciate favorable consideration.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Donahue.

SENATOR DONAHUE:

Well, thank you, Mr. President. I just rise in support of this. I think this is a good idea. We try to encourage everyone

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in this country to save and, in actuality, our AFDC recipients are penalized. If they have any type of savings account, they lose their benefits. And I think this is a good idea, and I hope we can pass it.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Seeing none, the question is, shall Senate Bill 1097 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 1097, having received the required constitutional majority, is declared passed. Senate Bill 1106. Senator Weaver. Senator Weaver on the Floor? Out of the record. Senate Bill 1107. Senator Weaver. Out of the record. Senate Bill 1124. Senator Philip? Out of the record. Page 10. Senate Bill 1129. Senator Dillard. Senator Dillard on the Floor? Out of the record. Senate Bill 1133. Senator Rauschenberger? Out of the record. Senate Bill 1173. Senator Jones? Senator Jones? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1173.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. Senate Bill 1173 amends the Juvenile Court Act and requires that a minor that has been adjudged a habitual offender or of a violent crime must receive mandatory supervised release equivalent to that of a supervised release for an adult. And the purpose of this is that many minors who are -- have been adjudicated as a offender, they should

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receive supervision after they are released so that they cannot be repeaters. If we're going to save these youngsters, we cannot just turn them loose without supervision. That's the thrust of the bill, and I know of no opposition and ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1173 pass. 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 1173, having received the required constitutional majority, is declared passed. Senate Bill 1186. Senator Philip? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1186.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1186, quite frankly, amends the Aeronautics Act. It is a vehicle. Hopefully, sometime during the next three weeks, we will come to some kind of conclusion on airport authority. It would be my intention of possibly using this bill. Happy to answer any questions and like to see a few green votes up there.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Jones.

SENATOR JONES:

Thank you, Mr. President. This bill is not going to go across to the Chamber and come back with a 747 on it, is it?



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PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip.

SENATOR PHILIP:

Gee, I'd like to have it come back with a sky bus.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Jones.

SENATOR JONES:

Well, being that we don't really know what's going to be in the -- in the bill, I would suggest to the Members on this side of the aisle, either vote No or Present, till we actually know what's in the bill.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR PHILIP:

Yes. This is a shell bill. Hopefully we're going to work out some kind of a compromise. You certainly will have a full hearing before we finally vote on it, and I'd like to see a lot of green votes up there.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall 1186 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? Have all voted who wish? Take the record. On that question, there are 31 voting Yes, 2 voting No, 23 voting Present. Senate Bill 1186, having received the required constitutional majority, is declared passed. Senator Jones, for what purpose do you rise?

SENATOR JONES:

I hate to do this, Mr. President, but I request a verification.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jones has requested a verification. Now, will all the Senators please be in their seats. And Madam Secretary will read

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the affirmative votes.

ACTING SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jones, do you question the presence of any Member?

SENATOR JONES:

Senator Dunn?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Tom Dunn.

SENATOR JONES:

Ralph Dunn.

PRESIDING OFFICER: (SENATOR WATSON)

Oh, I beg your pardon. Senator Ralph Dunn. He's right here.

SENATOR JONES:

Senator Syverson.

PRESIDING OFFICER: (SENATOR WATSON)

He's in the aisle.

SENATOR JONES:

Senator Raica.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Raica? Back in the door.

SENATOR JONES:

Senator Hawkinson.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson's in the aisle.

SENATOR JONES:

Senator Fitzgerald.

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PRESIDING OFFICER: (SENATOR WATSON)

Senator Fitzgerald? In the -- he's here.

SENATOR JONES:

Very difficult when they aren't in their seat. I'm just looking at the seat.

PRESIDING OFFICER: (SENATOR WATSON)

I understand. We try to encourage the Members to be in their seat.

SENATOR JONES:

Senator Madigan.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan? He's not recorded as voting.

SENATOR JONES:

Senator Hendon.

PRESIDING OFFICER: (SENATOR WATSON)

He is in his seat, Senator Jones.

SENATOR JONES:

No further challenge.

PRESIDING OFFICER: (SENATOR WATSON)

Thank you. On the verified roll call, the Ayes are 31, the Nays are 2, 23 voting Present. Senate Bill 1186, having received the required constitutional majority, is declared passed. Senate Bill 1191. Senator O'Malley. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1191.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and Members of the Senate. Senate

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Bill 1191 amends the Mine Subsidence Article of the Insurance Code to provide that the Mine Subsidence Insurance Fund shall establish deductibles and retention, in addition to rates, rating schedules and minimum premiums. It further provides that beginning January 1, 1996, the amount of reinsurance available from the Fund shall be not less than two hundred thousand dollars per residence, two hundred thousand dollars per commercial building, or fifteen thousand dollars per living unit. Further provides that no insurer shall be required to offer mine subsidence coverage in excess of the reinsured limits. I'd be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1191 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 1191, having received the required constitutional majority, is declared passed. Senate Bill 1195. Senator Garcia.

ACTING SECRETARY HAWKER:

Senate Bill 1195...

PRESIDING OFFICER: (SENATOR WATSON)

Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1195.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. This bill is permissive legislation

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that allows the Department of Public Aid by October the 1st of 1996, subject to appropriation, to conduct a two-year family self-sufficiency contract pilot program in an administrative district in the City of Chicago and in a downstate county to require all AFDC recipients who have not obtained a high school diploma or equivalency certificate and who are at least between the ages of nineteen and twenty-five years of age to negotiate a written family self-sufficiency contract with Public Aid, outlining the obligations of the Department and the recipient under the contract. It targets the most likely public assistance dependents. This bill places the requirement for self-sufficiency on the Department of Public Aid and the client. The bill targets an AFDC population not covered in other welfare reform bills in this Session. It passed out of committee by an 11 to 0 vote, and currently the States of Iowa and Wisconsin are doing similar things. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, the question is, shall Senate Bill 1195 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 1195, having received the required constitutional majority, is declared passed. Senate Bill 1205. Senator Barkhausen. Out of the record. Senate Bill 1206. Senator Barkhausen? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1206.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen.

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SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. Senate Bill 1206 amends the Unemployment Insurance Act in two respects: to clarify that loan closing agents for title insurance companies and then, separately, real estate appraisers are to be deemed independent contractors for purposes of the Act. The Department of Employment Security has -- is not opposing the bill and helped us with some of its technical provisions. I'd be glad to answer your questions and would otherwise ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. I rise in opposition to this bill, essentially because it amends the Unemployment Insurance Act - something that traditionally we've had the agreed bill process consider when undertaking these types of changes. Like to point out that organized labor is also opposed to the bill, and I'd urge a No vote. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR BARKHAUSEN:

I would just emphasize, Mr. President, that these are fairly minor technical changes affecting only, again, loan closing agents for title insurance companies and real estate appraisers - obviously a very small percentage of the workforce and individuals whom, it's fair to say, are already working today as what would generally be regarded as independent contractors. This clarifies their status, and I again ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1206 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 34 voting Yes, 20 voting No, 3 voting Present. Senate Bill 1206, having received the required constitutional majority, is declared passed. Senate Bill 1208. Senator Fitzgerald? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1208.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1208 is an initiative of the Secretary of State's Office, which, as you know, regulates the securities industry in the State of Illinois. This package has been worked on, with all sorts of interest groups having input, and all of them have signed off on it, including the Securities Industry Association, the Chicago Stock Exchange, Chicago Board of Trade, Investment Company Institute and so forth. And what the bill does is it adds language that would close existing gaps in our existing regulations of the securities industry. It would provide for regulation of so-called "business opportunities". It would also provide for regulation of the sale of an entire business by regulating business brokers. Right now, security sales are regulated in the State, but if someone sells an entire business through a -- through a business broker, there is no -- no way to regulate business brokers. Also, it would close a loophole that allows loan brokers to escape regulation, and these loan brokers have been perpetrating a lot of frauds throughout the State. Also, there is an amendment that Senator Carroll proposed and was adopted unanimously in committee,

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whereby the securities dealers' licenses of those who fail to pay child support would be revoked. And that would make our current law on revoking professional licenses and now securities license -- securities dealers' licenses for failure to pay child support very complete. And I'd certainly appreciate a favorable vote. It passed out of committee unanimously, and it has been signed off by all relative -- all interested parties. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Severns.

SENATOR SEVERNS:

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

PRESIDING OFFICER: (SENATOR WATSON)

The sponsor indicates he will yield, Senator Severns.

SENATOR SEVERNS:

Senator, as you know, I -- we have filed an amendment on this bill, and I would hope that you would consider taking this bill out of the record until we can get the amendment on. You're quoted in the Sun Times this morning as being concerned about the same thing that -- that many of us in this Chamber are concerned about, and that's the -- the hotel deal that -- that we don't agree with. It's -- the amendment would try to bring or put the brakes on that deal, and I would hope that you would take this bill out of the record, rather than let this bill proceed forward, so that we could try to put the brakes on a bad deal for Illinois taxpayers.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Donahue.

SENATOR DONAHUE:

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

PRESIDING OFFICER: (SENATOR WATSON)



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Please state your point.

SENATOR DONAHUE:

Well, on behalf of Senator Maitland and Senator Watson, we have a group in the gallery that I'd like to introduce from Saunemin - and I'm not pronouncing that right, I know - Elementary School, with the teacher, Kate Williams, and a friend of our President at the moment, Mike Stoecklin. Would you please rise and be recognized?

PRESIDING OFFICER: (SENATOR WATSON)

Certainly good to have you with us. Good to see you, Mike. Further discussion? Senator Welch. I beg your pardon. Senator Severns.

SENATOR SEVERNS:

Yes. Thank you, Mr. President. That was, in fact, a question, Senator. I am very serious. I've discussed this matter with you, and I think that if you are concerned, at least based on comments quoted in the newspapers by you today, I think many of us share the concern on both sides of the aisle. It's an attempt to try to put the brakes on a bad deal, and I would hope that you would not move this bill today so we can get the -- the amendment on.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fitzgerald.

SENATOR FITZGERALD:

Senator Severns, I totally agree with your concerns about the hotel deal and everything that has happened there, and I am interested in putting the brakes on it. And I would be happy to work with you. With respect to the particular amendment that you -- propose, certainly I'd like to discuss that and maybe on another bill though, but I have checked with the Secretary of State. This -- this particular bill was worked on by -- like fifteen or twenty different parties over the course of several

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years, and I would ask your indulgence to allow this bill to proceed and not get mixed up in that other issue - which, I agree, you have a very valid concern, and I will be the first to work with you in -- in addressing your concerns about that hotel deal. I would simply ask that this bill, which is a very good bill and has been worked on for several years by several people, not be held hostage to -- to that particular... Maybe we can find another vehicle for your amendment, and I -- I'd be happy to work with you on that.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. Senator, we filed this amendment on another bill, in -- and trying to work with the Leaders of the Rules Committee, who asked us to find another bill. This bill is, in fact, germane. You said let's not hold it hostage. Well, I would submit to you that the taxpayers of Illinois are being held hostage by a deal that would fleece them thirty million dollars. Now, you said you're concerned about it, and I believe that you are. Instead of delaying it, I can't think of anything more important, as we sit here in this Chamber and try to figure out priorities, whether or not we're going to let a handful of individuals in this State renege on a deal that required them to pay back thirty million dollars. They were supposed to pay back forty. They're getting it for ten. That's wrong. This is an opportunity to stop it, Senator.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield, Senator Welch.

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SENATOR WELCH:

Senator Fitzgerald, did you say there is an amendment on there that says if a parent doesn't pay child support, doesn't pay his debt, they can have their license revoked, their franchise revoked by the Secretary of State for not paying a debt?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fitzgerald.

SENATOR FITZGERALD:

Absolutely.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

So if you're a little guy who owes a few hundred dollars, the Secretary of State is really concerned about taking your corporate license away, your corporate franchise away. He can go in there and jump on you with both feet. The Secretary of State didn't work on that amendment, because I was in the committee and that was a complete surprise to them. So, Senator Fitzgerald, when you say you worked on this for three years - the Secretary of State did - number one, that amendment was worked on for about a week. Number two, fifty-five of the fifty-nine Members in this Chamber don't know what the hell is in this bill and probably do not care. So when you say that this is an extremely important bill - I'm serious - nobody knows what's in this bill. I'm a lawyer; I'm not sure what's in the bill, and I was in the committee. This bill could be put on any vehicle, and you guys have passed trailer truckloads of vehicles that this could be amended onto, Senator. So, seriously, if we are going to try to stop the handing away of assets from the State of Illinois to rich, well-connected, corporate owners, such as own these two hotels in the State of Illinois, now is the time to do it. We've got a provision in here the Secretary of State agreed to, to jump on the little guy who

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doesn't pay a few hundred dollars in child support. What about jumping on the guy who owes fifteen to thirty million dollars to the State of Illinois? You know, you're -- you're also saying that the Secretary of State probably hasn't looked into this yet. He may not have, but he certainly should. The Attorney General says we should take a look at it. Senator Fitzgerald, you have said we have -- we should take a look at it. Now is the time. There's only a few days left. This is much more important than some boilerplate bill that talks about franchises, corporate licenses, that nobody knows; that if it passes or goes into law, nobody will know. This is what's important. This is what we should be focusing on, is this amendment. Senator Fitzgerald, I urge you that -- to take this bill out of the record, move it back to 2nd Reading. Let's at least debate the amendment. It may not pass. Let's debate the amendment before it goes on the bill. We've got two days left. I think that it's only fair that we do that. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I felt constrained to respond, but now I have to. There's two allegations made by two of my colleagues on the other side: Why are we forgiving thirty million dollars, where it's the fat cats' bills and so forth, in the hotels? Let me remind my colleagues on the other side that a former State Treasurer waived all the guarantees on those mortgages, permitted the junior mortgages to be paid first before the State first mortgage was paid and waived all guarantees. So, let's not be so quick to attack by innuendo the present State Treasurer whose hands were tied by a former State Treasurer who made very, very poor judgment in all the waivers he gave.

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PRESIDING OFFICER: (SENATOR WATSON)

I'd like to remind the Body that -- to maintain their comments to the legislation before us. Senator Dudycz.

SENATOR DUDYCH:

Thank you, Mr. President. I -- I -- my remarks will be brief, and they won't be to the contents of the bill. I'd just like to -- like to respond to the editorial comment by my good friend, Senator Pat Welch. Senator Welch, you know, if -- if you don't read the bills or read the amendments, that's your right not to, but for you to stand here and say there's fifty-three Members of the Senate that are not paying attention to what they're voting on, is -- is a disservice to the office and a insult to every Member of this Body. I assure you those Members on both sides of the aisle that I am familiar with do as much as they can, research and reading and being briefed by the -- by the staff on the contents of the amendments - all the amendments - and all the bills that we are voting on. Now if you wish to -- to tell the Body that you don't read the amendments, that's your right, but please don't -- don't just generalize and say that fifty-three of your colleagues don't read the amendments or the bills. And I would just appreciate, Mr. -- Mr. President, if -- if all the Members here would just keep their comments to the bill, not to the amendment, which already has been adopted.

PRESIDING OFFICER: (SENATOR WATSON)

Thank you, Senator. Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Not a question, but a statement. First of all, let me concur with Senator Geo-Karis. This is a deal that is -- on the amendment, that this is the last bill we can put it out on, it is my understanding. So we need to -- to ensure that we protect the interests of the public. I agree with Senator Geo-Karis that this

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is an ongoing problem. There were a number of deals that were made. I think this Body ought to have the opportunity to see what those past deals may have been and to be able to review those issues and to ensure that we get something moving in this legislative Body. I think it's fair to your Treasurer, who I think is making an honest attempt to clean up a bad deal, but she has been left out there to dry by all other constitutional officers. Nobody else knows what the hell is going on. Now, if you want to believe that, I'll sell you a pig in a poke. 'Cause somebody's got to know what's going on. Someone's got to know what these past deals were. I think that that -- the citizens of this State are entitled to know that, and I would also request that you pull this out of the record so this amendment can be heard, be aired publicly, to protect your Treasurer, as well as to protect the integrity of the State of Illinois.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? Senator Welch, for a second time.

SENATOR WELCH:

Yes, Mr. President. Well, since I was referred to by two separate Senators, I'd like to respond to that. First of all, Mayor Dudycz, that's -- that's really self-serving, to say that everybody has read this bill. They haven't. You know that, and I know that. So, let's lay that to rest. Senator Geo-Karis, I don't think Treasurer Cosentino made a wise decision either. The question isn't that the Democrats were smart and the Republicans weren't. This was a bad situation all the way around. And I -- I think it was a bad deal. But I think the real issue is why not let the sun shine on this and let us see, number one, what the deal was; secondly, let us see who these eighty members of this secret land trust are that have the hotel; and third, why don't we do something to make sure that individuals who benefit from the

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State, such as by having State contracts, such as by having riverboat licenses, make sure that they pay their debts first? We're real concerned about this bill and making deadbeat parents pay their bills, but when we have hotel owners with hotels that are worth millions and millions of dollars not paying their debts, that's wrong. And I think that we should vote No on this bill to send that message.

PRESIDING OFFICER: (SENATOR WATSON)

Further -- further discussion? Senator Severns, for a second time.

SENATOR SEVERNS:

Thank you, Mr. President. I apologize for standing again, but, Senator Fitzgerald, this is the opportunity that we have before us, before the Senate, to try to put the brakes on a bad deal. I have tremendous respect - always have - for -- for the current Treasurer, but I happen to be in firm disagreement on this deal. It was bad at the beginning, but it's bad today. The Constitution of Illinois says the Treasurer, in accordance with law, shall be responsible for the safekeeping and investment of monies and securities deposited with him, and for their disbursement upon the order of the Comptroller. I submit that this deal is in violation of the constitutional authority provided the Treasurer. Let us put the brakes on this deal, something that I would submit that none of -- none of us in this Body like, and let us do it today with this bill. Please withdraw your bill today so this amendment can go on. Thank you, Mr. President and Members of the Senate.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR FITZGERALD:

First of all, I want to respond to Senator Severns, Senator

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Welch and Senator Jacobs. I totally agree with you that the State must do everything it can to pursue those fat-cat borrowers on those hotel loans. What I would tell you, however, after having reviewed the loan documents and having reviewed your amendment, which would retroactively just deed the property to the State, that I don't think that that's going to be a vehicle that would work. And there are other ways to go about it; for example, the Uncollected State Claims Act requires the Attorney General to certify that that debt is uncollectable before it can be waived. I would submit to you that we have other avenues to stop that hotel deal. And let's pursue those. I will work with you. I will do everything I can to pursue those people to the far ends of the earth and forever, until that debt is paid, now -- just as we have a bill here to make sure that -- that deadbeat dads pay their child support. But this is an important bill for the Secretary of State's Office. It is a comprehensive enactment of -- of laws which will help the Secretary of State prevent frauds and scams that have been occurring throughout the State, where unwitting people have been -- had -- had been fleeced by unscrupulous loan brokers and business brokers. It fills gaps in our securities laws. It's been worked on for years by as many as fifteen interested parties. And, Senator, I would ask that -- that you not hold this bill hostage to your legitimate concern, because I will be the first to work with you to collect those debts that are owed this State. And so, all of you, I'd appreciate your support. This is a very good bill. It should not be held hostage to an unrelated issue. I'd appreciate your favorable support. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1208 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



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wish? Have all voted who wish? Take the record. On that question, there are 32 voting Yes, 18 voting No, 8 voting Present. Senate Bill 1208, having received the required constitutional majority, is declared passed. Senator O'Daniel, for what purpose do you rise?

SENATOR O'DANIEL:

Thank you, Mr. President. Point of personal privilege. Here beside me I have one -- I have my son-in-law, Mr. Ed Fisher, and I want my colleagues to be aware that he's a trial lawyer and we're still speaking. You know, a lot -- a lot of my colleagues have asked me, said, "How do -- how do you talk to your -- your son-in-law who's a trial lawyer the way you've been voting?" I told them, I said, "Well, I made enough sacrifice when I let him have my daughter." So he and I, we have a good understanding and we get along great. And so I'm really pleased to have him here, but I do want all of my -- and especially my Leader to know that he and I still have a good relationship.

PRESIDING OFFICER: (SENATOR WATSON)

Very good, and welcome. Senator Ralph Dunn, for what purpose do you rise?

SENATOR R. DUNN:

Thank you. Matter of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

Please state your point.

SENATOR R. DUNN:

The gentleman that Senator O'Daniel is talking about is my constituent. He knows how I've voted. He came over and shook hands with me, so I feel pretty good about that, too. Good friend. Glad to have you on board, Ed. Glad to have you here. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Garcia, for what purpose do you rise?

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SENATOR GARCIA:

For a point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

Please state your point.

SENATOR GARCIA:

Thank you. Mr. President and fellow Members of the Senate, I would like to take this opportunity to invite you tomorrow at about noon in the Rotunda for a Cinco de Mayo celebration. You may have noticed at your local watering hole that they've got a sale going on on Mexican beer. Well, tomorrow you can celebrate with us, if you bring your lunch out to the Rotunda. We will have mariachi music. I know that Senators Farley and Weaver are particularly fond of it, but everyone is invited. There's going to be Mexican folkloric dancing also and some additional entertainment. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Ole! With leave of the Body, we are going to go to page 3 and start back through Senate Bills 3rd Reading. That's on page 3. And with leave of the Body, we will hold Senate Bill 7. Sponsor's in a meeting. We'd like to have leave to come back to that at a later time. Senator Cronin, on Senate Bill 15. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 15.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is vehicle bill. We've been working very diligently, but we haven't come to any conclusion yet. So I would like to ask the

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Body to support this vehicle and move it over to the House, and we will continue to work diligently together. And I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR WATSON)

Further consideration, or discussion? Senator Jones.

SENATOR JONES:

Yeah. Thank you very much. Is this the vehicle for the agreed bill process, or is...

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cronin.

SENATOR CRONIN:

Well, there -- there will be agreement when we finally come up with a bill, but it -- it may be a different process than -- than what you're familiar with.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jones.

SENATOR JONES:

Well, the agreement is -- is between whom? And since you capitulated on that question and everything, I think it's best that we who are concerned with the agreed bill process, until we see what's really going to come out of this, I suggest that the Members on this side and that side vote Present.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR CRONIN:

Just ask for your favorable vote. Thank you.

SENATOR CRONIN:

The question is, shall Senate Bill 15 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 32 voting

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Yes, 8 voting No, 17 voting Present. Senate Bill 15, having received the required constitutional majority, is declared passed. Senate Bill 16. Senator Karpziel? Do you wish that bill called? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 16.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. This is another vehicle bill, although it -- it's an education vehicle. I have no -- no plans for it whatsoever. I've heard of no plans for it in the House. I think it's just good to have these vehicles out there when they may be needed toward the end of Session.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 16 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 29 voting Yes, 10 voting No, 18 voting Present. Senate Bill 16, having not received the required constitutional majority, is declared failed. Senate Bill 18. Senator O'Malley? Out of the record. Senate Bill 21. Senator Butler? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 21.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Butler.

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SENATOR BUTLER:

Thank you very much, Mr. President. Ladies and Gentlemen, Senate Bill 21 is a -- is a shell bill for public -- public labor -- I have trouble with that - public labor relations, and I would like to have -- as has been said, we'd like to have this vehicle bill out there.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Jones. Senator Jones? Senator Garcia.

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Garcia.

SENATOR GARCIA:

Senator Butler, this, if I'm not mistaken, amends the Labor Relations Act. If that's the case, can you give us an idea of what you intend to do with this bill?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Butler.

SENATOR BUTLER:

Senator, as I said, this is a vehicle bill. It's -- it's a shell right now. I can't tell you what might or might not be in it.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR BUTLER:

I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 21 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

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wish? Take the record. On that question, there are 30 voting Yes, 21 voting No, 6 voting Present. Senate Bill 21, having received the required constitutional majority, is declared passed. Senator Garcia, for what purpose do you rise?

SENATOR GARCIA:

Like to move for verification of the roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Garcia has moved for verification. Will all Senators please be in their seats? Madam Secretary, will you please read the affirmative votes?

ACTING SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR WATSON)

Senator Garcia, do you...

SENATOR GARCIA:

Senator Dudycz? Is right there.

PRESIDING OFFICER: (SENATOR WATSON)

Right in the aisle.

SENATOR GARCIA:

Senator Hasara?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara? Senator Hasara? Remove her.

SENATOR GARCIA:

No further questions, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

She just -- she just walked in, Senator Garcia. Please put her back on the roll. On a verified roll call...

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SENATOR GARCIA:

Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Oh, beg your pardon. Do you -- do you question the presence of...

SENATOR GARCIA:

Senator Syverson?

PRESIDING OFFICER: (SENATOR WATSON)

Oh, excuse me. Senator Syverson?

SENATOR GARCIA:

Senator Fawell?

PRESIDING OFFICER: (SENATOR WATSON)

She's in the phone booth.

SENATOR GARCIA:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

On a verified roll call, the Ayes are 30 Yes, 21 voting No, 2 -- 6 voting Present. Senate Bill 21, having received the required constitutional majority, is declared passed. Senate Bill 81. Senator Petka? Senator Petka, we -- when you were off the Floor, we had leave to go back to Senate Bill 7, if you would -- if you would wish, Senator. Senator Petka. Senator Petka?

SENATOR PETKA:

Thank you very much, Mr. President. Senate Amendment No...

PRESIDING OFFICER: (SENATOR WATSON)

I beg your pardon. Senator Petka, what's your pleasure? Do you -- Senate Bill 81?

SENATOR PETKA:

81, yes.

PRESIDING OFFICER: (SENATOR WATSON)

Okay. Very good. Senator Petka seeks leave of the Body to return Senate Bill 81 to the Order of 2nd Reading for the purpose

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of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 81. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Petka.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President and Members of the Senate. Senate Amendment No. -- or, Floor Amendment No. 2 to Senate Bill 81 came out of the Judiciary Committee 9 to 0. It basically permits funds that were taken in drug forfeiture to go directly to the State's Attorney's Office in Cook County for the use in enforcing drug laws. That's the amendment, and I urge its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. I did support this amendment in committee, but I -- I asked at the time whether or not anyone knew whether or not the Cook County Board was opposed to it or not. They did not fill out a witness slip, and they were not in the committee. I've subsequently learned that they are opposed to the amendment, and therefore, I would urge a roll call vote, Mr. President, and ask that people consider voting No. I, first of all, have no problem with the State's Attorney, and I'm a personal friend of the State's Attorney of Cook County, as a matter of fact, but I really feel that this is probably not the way to go. This money, which ultimately should end up in the State's Attorney's Office, ought to be appropriated. Whether they're appropriating it now or not, the law says that it's supposed to be appropriated. This would change it so the



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money would go directly to the elected official without any appropriation. I don't even know if it would be audited. And so, it's not a good practice. The -- the Cook County Board has indicated that they are opposed to the amendment, and I would urge a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR PETKA:

Thank you very much, Mr. President. Just to address that issue that was just raised. The -- under current practice in the County of Cook, monies which are taken in drug forfeitures are not appropriated to the Office of the Sheriff, additionally the Office of the Attorney General, or to the State Police, or the Appellate Prosecutor. The only one that's been singled out is the State's Attorney's Office in Cook County. And what this legislation does, and this Floor amendment does, is basically to place in the Statute the practice of sending drug forfeiture proceeds directly to that office. And -- and I would -- again, I'd urge its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

A roll call was requested. So 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 32 voting Yes, 21 voting No, 2 voting Present, and the amendment is adopted. Any further amendments, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading.

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END OF TAPE

TAPE 3

PRESIDING OFFICER: (SENATOR WATSON)

Senate Bill 100. Senator Dudycz. Out of the record. Senate Bill 114. Senator Madigan. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 114.

(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 114 represents a solution to the retired teachers' health insurance crisis, or problem, that all of us are aware of. As drafted, Senate Bill 114 institutes several changes in the now current plan that expires July the 1st. First of all, the State participates in it. The retired teachers continue to participate in it, and the active teachers participate in the cost of the plan. The active teachers that are presently employed would contribute one-half percent of their payroll towards the cost of this. The State would participate to the extent of twenty-five million dollars annually, and the retired teachers would continue at their seventy-five-percent subsidy unless a HMO or a -- if they're -- unless they're enrolled in an HMO or a PPO plan if that is available to them. If it is not available to them, or if they -- they would continue to receive a seventy-five-percent subsidy. If there is a PPO plan available to them, or an HMO plan available

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to them, and they elect not to participate in either one of those managed care options, then they would only enjoy a fifty-percent subsidy and it -- and that level would go back to the level that it was in 1991. It also -- Senate Bill 114 also raises the minimum annuity of approximately four thousand teachers in the State of Illinois from the now minimum annuity of four hundred and fifty dollars a month to seven hundred and fifty dollars a month. The -- it also states that in order to belong to the TRS health insurance -- Teachers' Retirement System Health Insurance Plan that the annuitant has to have had ten years of service credit with the Teachers' -- the Downstate Teachers' Retirement System. This plan would be effective January the 1st of 1996. It creates a new fund in the State Board budget called the Teachers Health Insurance Security Fund, which then will - in the appropriation process, as we get to that point - will address that problem as far as the State's contribution in the State Board budget. I'd be glad to answer any questions on Senate Bill 114.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. Senator Madigan, for the record, I want to again call your attention to page 20 and 21 of your amendment in which it indicates that the payments for the retired teachers' health benefits for the -- in 1996 for the months of August through May, the State Board of Education will present a voucher to the Comptroller directing the payment of twenty-five -- 2.5 million dollars into the Teachers Health Insurance Security Fund from the moneys appropriated to the State Board from the Common School Fund, and that's the point that I have difficulty with. I don't see that there's any other alternative at the moment than to support the proposition that you have before us today, but it seems to me that we are now setting up a procedure

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which the Governor, downstairs, has indicated that he won't sign anything and you are, in fact, representing to us today that twenty-five million dollars will come forward in the appropriations process. Now, I have some concern about putting into the Common School Fund, because it's going to appear that we're taking the money away from the Common School Fund from the -- from the formula to pay for this. And of course, if the Governor doesn't okay it downstairs -- doesn't approve, then this bill could pass -- he could take the twenty-five million dollars out of the formula, and as you well know, it's -- there's only forty-three million in there this year. Can -- can you assure me, or can we have this changed perhaps in the House to make it a separate line item and get away from the -- the notion that we're going to take this money out of the Common School Fund?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senator Demuzio, as -- as I stated in the Insurance Committee, it is my goal, and my intention, to seek a separate line item in the State Board budget for this amount - an appropriated amount - in the State Board budget.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio.

SENATOR DEMUZIO:

Okay. That -- that deals with one problem. The other problem is, is that this is the substantive language that -- that would, in fact, pass. What happens if the appropriation isn't approved? The Governor doesn't -- first of all, the Legislature -- let's assume that we approve the twenty-five million, which is our contribution, but the Governor decides that he wants to veto it. Does that mean that this -- this twenty-five-million-dollar contribution is going to come out of the money that we're going to

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appropriate for general State aid for this -- for this fiscal year?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Well, Senator Demuzio, you know, as well as I do, and -- and much better than I do, because your experience is much more than mine is in this Chamber and in the General Assembly, but we can't put an appropriation bill in a substantive bill. And all I can tell you is that we're on the substantive bill, and this is what's taking place -- will take place later.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I guess that's my problem. And I'm not quarrelling with you, and I understand very much the process, but I want people to be aware here that this is a substantive bill. That if the appropriation doesn't follow - the twenty-five million dollars - and -- and this, in fact, is signed, then that twenty-five million dollars is going to come out of what the Governor has allocated for elementary and secondary education for -- for this year. So I want to point out to everyone, again, I think this is a proposition that I guess we pretty much have to vote for today, to keep the process rolling. I know you're aware of the problem and I'm not quarrelling with you over that. Let's see if we can perhaps change that over in the House and -- and make it to the -- to the extent that if, in fact, the Governor fails to go along, at least we protected ourselves in the Illinois General Assembly. And let me also point out, if I might, that on this side we've been attempting, as you know even as much as -- as short as yesterday, to put a higher amount of State contribution into the

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teachers' retirement health proposal. I think yesterday we offered an amendment for some fifty-six million dollars predicated on the increase that we were indicated by the University of Illinois that we would have revenue above the -- of Bureau of the Budget. The fact is, is that no one is - on your side - has decided to go along with it. This is the best thing that there is at the moment, and I am reluctantly rising to suggest that I'm going to vote for it and, I guess, asking our Members to do so.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, as I understood your opening remarks, you indicated this was going to be effective January 1. It had been my understanding that we were going to have problems in the Fund earlier than that, and I wonder if you could address that.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan.

SENATOR MADIGAN:

Yeah. This -- this plan would take effect on January the 1st of 1996, and that portion of it is Central Management Services taking over the administration of the plan from Teachers' Retirement. Teachers' Retirement will continue to handle or administer the plan until January the 1st of 1996.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Sponsor yield for a further question then? Under the TRS

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continued management in the interim what funds will be available to the system in that period to -- to make sure that we don't have the quadrupling of -- of costs that is feared by many of our retired teachers during that interim period?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. It'll be -- first of all, this will continue at its current level and current subsidy until January the 1st. And the money will come from several different sources. There's -- there's reserves. There's Common School Fund. There's the payroll that will be coming in from the active teachers.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Raica.

SENATOR RAICA:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield, Senator Raica.

SENATOR RAICA:

Bob, the last couple of days a lot of retired teachers that retired early have said that there's a possibility that they would have to pick up a hundred percent of their health care, and it's my understanding that, by your proposal, we left it as is and there's no change. And I just want to know if that is correct, for the record.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, and thank you, Senator Raica, for the question. For the record, that is correct.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Geo-Karis.

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SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. I would like to commend Senator Madigan for trying to get a bill together to address this very serious problem. There -- many of us have met with many, many teachers in our respective areas and we had made a commitment to the teachers some time ago that we would take care of those medical bills. And now we're in the -- forced to start all over again, and I think this is a good plan. The active members with whom I met, by the way, were willing to contribute more - .5 percent monthly - to the proceeds to help. And I think whatever help we can get from the State to equal that, I think it's well worth it, because those teachers have retired and many of them have medical problems, and many of them would not have gone in -- out on a five-by -- five-and-five if they had known there'd be a jeopardy on their health bills. So I certainly speak in favor of the bill, and I commend, as I said, Senator Madigan for undertaking -- to address some very serious problems and I ask for any Aye vote from all of us.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Madigan, you wish to close?

SENATOR MADIGAN:

Thank you, Mr. President. Just very briefly. And back to Senator Demuzio's comments as far as the appropriation process. Senator Demuzio and every Member of the -- of this Body has my commitment on that, and I would appreciate everybody joining me in that commitment insofar as the appropriation process, and would ask for your favorable -- favorable vote on Senate Bill 114.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 114 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



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the record, Madam Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. Senate Bill 114, having received the required constitutional majority, is declared passed. Senate Bill 133. Senator Peterson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 133.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. Under current law, all counties except Cook assess parcels as open space under Section 10-155 of the Property Tax Code if they are more than ten acres and used for defined purposes, such as wetlands, golf courses, forests, wildlife preserves, et cetera. This bill expands this Section to include Cook County. The Cook County Assessor is neutral on this bill, as well as the school organizations. And I ask for your favorable vote on Senate Bill 133.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Berman.

SENATOR BERMAN:

Thank you. Question of the sponsor. I -- I didn't hear his...

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Berman.

SENATOR BERMAN:

I didn't hear his last sentence. What -- what was there about the school people?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Peterson.

SENATOR PETERSON:

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The school organizations are neutral on this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

Thank you. I rise in opposition to this bill, Mr. President. What we are doing here is, for a group of people that own golf courses in Cook County, we're going to lower their level of assessment. And let me tell you what that does: It raises everybody else's taxes. Now if you want to take care of the golf course owners and hurt your voters, vote Yes. If you don't, vote No. I urge a No vote. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Peterson, you wish to close?

SENATOR PETERSON:

Thank you, Mr. President. I would just like to say in commenting on Senator Berman's statements: Number one, all hundred and one counties have this same assessment process, except Cook. So it's being done in the other hundred and one counties. Number two, once those golf courses go, what's going to happen? You're going to build houses. It's going to be a bigger expense on local governments and schools once that open space is gone. That's why the golf courses are being built in Lake, DuPage and other counties; they don't want to stay in Cook County. I think, if you're from Cook County, you should support this bill. It's a good bill. I appreciate your favorable vote -- vote on this bill. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 133 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 38

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Ayes, 14 Nays, no Members voting Present. Senate Bill 133, having received the required constitutional majority, is declared passed. Senate Bill 134. Senator Peterson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 134.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Peterson. Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. Senate Bill 134 amends the Property Tax Extension Limitation Law to provide that newly taxable, formerly exempt, property shall be counted as new property when it goes on the tax rolls. As you know, there are two factors when you're under the tax cap: one is you get the CPI; the other is the new growth. We have parcels of property that are coming on the tax rolls, not only in Cook, but in the collar counties, that were formerly exempt because they were nonprofit. We want to use that new assessed valuation to be figured in the formula so the units of local government can attain those revenues necessary. And I'd appreciate your favorable vote on Senate Bill 134.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 134 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 55 Ayes, no Nays, no Members voting Present. Senate Bill 134, having received the required constitutional majority, is declared passed. Senate Bill 135. Senator DeAngelis. Senator DeAngelis, do you wish this bill returned to the Order of 2nd Reading for the purpose of amendment?

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Senator DeAngelis seeks leave of the Body to return Senate Bill 134 <sic> to the Order of 2nd Reading. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 134. Madam Secretary... I'm sorry, the board was incorrect. Senate Bill 135. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 135 is an attempt to correct some of the abuses or misuses of TIFs. When we came out with the bill, there were a lot of people who thought that our corrections were too severe. So we amended the bill, which softened those corrections, and there's still objection. However, in order to keep working with this bill, I cannot ask you to take off Amendment No. 2, because it has No. 1 still on there. So what this amendment does is it actually strips the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

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:

So, Senator DeAngelis, this is a now a shell bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

It's a -- an opportunity to rework the bill. I couldn't do it by taking off the second amendment, because the bill itself was a

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little harsh.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Palmer.

SENATOR PALMER:

But the -- the yes or no answer to that is, it's a shell bill.  
Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you. I just want to thank Senator DeAngelis for -- for doing this, 'cause I think it was quite harsh, and the bill does need to be reworked and I just want to say thank you. And I think we ought to give it an Aye vote to move it along.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis moves the adoption of Floor Amendment No. 2 to Senate Bill 135. Those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 137. Senator Raica. Senator Raica?  
Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 137.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.  
Senate Bill 137 adds all firearms to the constructed possession

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provisions related to the presence of a gun in a car. The amendment, which the Judiciary Committee recommended, it limits the presumption on concealed firearms to the driver of the vehicle only. This is part of the 1993 State's Attorneys Association package based on a proposal from the Peoria County State's Attorney, and I just would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Molaro.

SENATOR MOLARO:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Molaro.

SENATOR MOLARO:

Okay. So what -- what this comes down to is that if you're stopped by a police officer or someone pulls you over, and they pat down a passenger and the passenger has the gun or if they find the gun -- no, it's not that. Okay. What if they find the gun in the backseat near a passenger, not on him? Can the driver have the presumption that he was in possession of it?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica.

SENATOR RAICA:

Mr. -- Senator Molaro, we're going to take a look at the Statute on that one, because that gun is in close proximity to the -- was there a passenger in the rear seat? Is that what you're saying, or there's -- the driver's there alone?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

Passenger was in the rear seat.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Raica.

SENATOR RAICA:

You know, Mr. President, is it all right with you, can I ask leave of the Body to come back to this? We'll just get that information for Senator Molaro.

PRESIDING OFFICER: (SENATOR MAITLAND)

Out of the record, Madam Secretary.

SENATOR RAICA:

Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senate Bill 141. Senator Woodyard. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 141.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. As you can see by the number of this bill, it was introduced very early in the Session, and I do apologize to the Body, I thought we would have agreement between the various parties who have been involved in a lot of conversations over the past several months. The genesis of this bill I guess started in 1992, when the General Assembly authorized or -- or allowed the State Board of Education to promulgate guidelines on behavioral intervention. The State Board did do that. The school districts and, quite frankly, particularly the Special Education Administrators Association were very opposed to those guidelines. That issue even came before the Joint Committee on Administrative Rules, and it was rejected. The guidelines were rejected by the Joint Committee. Those guidelines

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in my -- to my knowledge never had a public hearing, there was no public input, and yet they were adopted, even though rejected by the Joint Committee on Administrative Rules. That led to the introduction, on my behalf, of Senate Bill 141. As I indicated throughout these months, we have tried to get both sides together and have not been able to do that. I indicated to Senator Berman in committee that I would commit to amending this bill over in the House. I have no commitments on what we can do with this bill. The only thing I can present to you today is the contents of Senate Bill 141, with the provision that I will do everything possible in my power to get agreement reached. I thought we had that yesterday afternoon with some draft language from the State Board of Education, and this morning that evidently kind of fell through. So I guess the only thing -- I'd be glad to answer any questions on the -- on exactly what this bill does. But it does put off, for at least a year, the -- the schools themselves developing guidelines. And as of right now, I would ask for your favorable vote to send this over to the House, but I don't know that I can give you a commitment that we're ever going to have agreement on this thing. And with that, Mr. President, I'll be -- I'll try to answer some questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there -- 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 Woodyard, I'm afraid I'm lost at this point. Could you just tell us what this bill as it is before us today, what it does?

PRESIDING OFFICER: (SENATOR MAITLAND)



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Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President. Basically, what I think you probably have in -- in your analysis, it will require the State Board of Education, with the advice of individuals, to review its behavioral intervention guidelines at least once every three years. It will also require the local school districts to develop behavioral intervention policies for students with disabilities by January 1st, 1996, where the -- the previous legislation was 1995-'96 school year. And it will require the board, and there is -- this is one of the controversial parts, the -- the copies of the policies be given to the parents and guardians of students with disabilities on the IEPs. And that's basically the three parts that this bill does. There is some controversy on who is to get these copies of policies, who is going to actually develop those policies, and so on.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Palmer.

SENATOR PALMER:

...(microphone cutoff)...you. Just one more question. On one of my analyses I have a long list of proponents, including the Special Education Administrators Association, IEA, Rural Champaign County Special Ed Cooperative, and so forth. Are these organizations still in favor of the bill that you're presenting to us today?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Woodyard.

SENATOR WOODYARD:

Yes, they are, and -- and certainly a lot longer list than -- than -- than what you mentioned.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Berman.

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SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I commend the sponsor for trying to work out a very difficult situation between very strong advocates, but let me tell you what we're confronted with today. At the present time, Ladies and Gentlemen -- at the present time, there are a set of guidelines that have been issued by the State Board of Education, and the purpose of the guidelines was to set out some rules by which school districts would have to address the problems of severely disabled children and severely behaviorally disordered children who act up and -- and cause a problem in our schools. Those guidelines have been published. Now, like any other controversial issue, there are people that like those guidelines and there are people that don't like the guidelines. The problem with Senate Bill 141, as it's presented to us today, is that this bill negates, repeals the effect of the guidelines. So if you're voting Yes, what you are doing is saying that there are no rules, school districts, on what you must do regarding BD or severely disabled children. That's a -- a very serious implication of a Yes vote on this bill. I share Senator Woodyard's frustration by the fact that we cannot get a commitment from the House to work out an amendment. I -- I don't understand why we can't get that commitment; we've gotten commitments on all kinds of bills. And I'm not saying that critically of Senator Woodyard; I'm saying it critically of the House. The problem is that if I vote Yes, if you vote Yes on this bill, for the period of time from the enactment of this bill until January 1st or later, there are no safeguards regarding these troubled children. What I would like to suggest, and -- and I really don't have an answer. We have -- we have talked. Senator Woodyard and I and others have sat with the strong advocates for the disabled children - ARC, the Association of Retarded Citizens. ARC of Illinois is opposed to

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this bill as it presently stands. The Family Resource Center for Disabilities is opposed. The Autism Society is opposed. Now, I guess my -- my suggestion is -- I'm not happy with Senate Bill 141 because of the repealer Section. I'm going to suggest that we vote No on 141 today, that we pick up a bill that comes over from the -- from the House, and that we continue to work on that here. And I think that's the -- a good alternative, because we're not getting any response from the House, and that disturbs me and it ought to disturb you. So I would respectfully suggest -- and I -- I'm not speaking critically of the sponsor; he and I have tried to work out some language that provides protection and gives the school districts the opportunity to work out some good program. But to repeal the guidelines, I would suggest to you, is an irresponsible approach to that problem today. I think there are other vehicles that are coming over here. Let us work on those vehicles. I'm just concerned that the House will pass this bill without an amendment; there will be no protection for these children. We're not doing our job, and even in January when the school districts are supposed to adopt rules, there is nothing to require them to address the needs of these very severely disabled children. So please let us continue to do our work, but I think we've got to do it with a House bill that comes over rather than sending this bill over to the House. I urge a No or Present vote today on Senate Bill 141.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes, thank you, Mr. President. And I, too, echo what Senator Berman said about the sponsor and his effort and desire to try to work out an accommodation with all parties. However, I support the legislation and feel that this is a local control issue. It does let local districts decide and gives them considerable

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flexibility in determining policy that will be ultimately implemented in the classroom. My suggestion, to those of you who have an opportunity, is to go into a classroom and talk to the classroom teacher and -- and ask them, "What is the biggest concern that you have about the future of education?" and it is -- has to do -- a great deal to do with what is going on in the classroom. The inability to -- to discipline, the type of -- of students now that are coming into the classroom, the whole full inclusion issue that seems to be out there, as to bringing anyone and everyone into the classroom, has that classroom teacher concerned. Because what -- what they're trying to do is create an environment by which they're trying to educate twenty, twenty-five, maybe thirty kids in a classroom, and you've got somebody there who's creating problems who shouldn't be in the classroom. I just think that that decision should be made locally. And there's no removal of the guidelines here; it just gives the districts the opportunity to implement them if they wish. That's what we're trying to do. So I urge support for the legislation, and -- and certainly commend Senator Woodyard for his efforts in this regard.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Senator Parker.

SENATOR PARKER:

I have a -- thank you, Mr. Chairman. I have a question for the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Parker.

SENATOR PARKER:

Will this bill, if it passes through the House, repeal everything if you have nothing else on it? Is there a way of taking the repeal Section out so at least there's some guidelines, in case nothing is done in the House?

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Woodyard.

SENATOR WOODYARD:

I guess maybe the only way I can answer that, it doesn't repeal the guidelines and -- and the districts would have to consider. But the problem today - and it goes back to Senator Berman's comments on the -- on the guidelines - they are today a mandate on schools. At least the schools perceive them to be that, and it's the intent -- it's my understanding that the State Board of Education has to proceed with those as -- as policy. And so, while -- while -- what we're doing is taking away the actual mandate that the school must abide by those guidelines. And does that repeal the guideline? No, it doesn't repeal the guideline, but it does remove the mandate.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Parker.

SENATOR PARKER:

...the bill: I -- I guess I would be concerned -- when we're talking about children with disabilities, it's a difficult issue to understand, and it just seems to me that we have to be concerned that there is some type of policy in place at the local level. I don't know if everybody is educated enough at the local level to be doing exactly the right thing, although they intend to do that, because it's a big education on how to deal with children with disabilities, and I think I would be concerned about not having those policies, in this discussion, in place before we vote on this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Woodyard, to close.

SENATOR WOODYARD:

Well, let me close with a response again to the Senator. This does require that the local boards do develop a policy on

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behavioral intervention by January 1 of 1996. So although we're de-mandating the -- the guidelines, they have to develop their own policy with the advice and advisory boards and so on. And I guess further in -- in closing, I want to make -- reiterate this point again, the guidelines that were adopted had absolutely no public input and has been rejected by the Joint Committee on Administrative Rules. And Senator Berman was absolutely correct, and you can see the problem that we've had in trying to compromise or negotiate this particular problem because he mentioned to you some of those groups who are opposed to this bill. And with -- with -- with just a minute I would like to read you just a few of some of the organizations and people who are in support of this bill: the Special Ed Association of Peoria County, Illinois State Board of Education - here the State Board of Education is trying to help us now to alleviate this controversy that was created when they adopted these guidelines; they're now in support of this bill - the Illinois Association of Special Education Administrators, LUDA, Illinois Statewide School Management Alliance, Rural Champaign County Special Education Cooperative, Illinois Administrators on Special Education, South Cook County Organization for Public Education, and there's a whole litany. And that's why, with the -- the opponents that Senator Berman mentioned and these proponents that I have mentioned, that this has been a very difficult issue. I would ask that you support Senate Bill 141. Let's get it over to the House and continue trying to work on this thing and see if we can reach some compromise. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 141 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 33

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Ayes, 15 Nays, 8 Members voting Present. Senate Bill 141, having received the required constitutional majority, is declared passed. AP requests permission to take photos. Is leave granted? Leave is granted. Senate Bill 143. Senator Hendon. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 143.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

Thank you very much, Mr. President. Senate Bill 143 does two things. One, it allows Public Aid recipients the option of getting their check twice a month, rather than once a month. And this is to help them balance their budgets. The other would set up a pilot program -- community-based pilot program to get people off of Public Aid and out of public housing. And I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 143 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 143, having received the required constitutional majority, is declared passed. Senate Bill 189. Senator Smith. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 189.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This legislation permits the Department of Public Aid, by rule and by subject of appropriation, to provide assistance for more than twelve months based upon the client -- former client's financial needs. The purpose of this bill is to assist welfare recipients to make the transition from welfare to work so that they may become self-sufficient and responsible for their own lives. And -- 189 would also provide former welfare recipients with the assistance that they need to remain employed, so that they will -- do not have to return to the Public Aid rolls. It passed out of committee overwhelmingly. I ask for your favorable support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 189 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, Mr. Secretary. On that question, there are 56 Ayes, no Nays, no Members voting Present. Senate Bill 189, having received the required constitutional majority, is declared passed. Top of page 4. Senate Bill 213. Senator DeAngelis. Senate Bill 230. Senator DeLeo. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 230.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeLeo.

SENATOR DeLEO:

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



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Senate Bill 230 -- actually the committee amendment becomes the bill. There was an agreed amendment by the Chicago Park District Pension Board, by the Chicago Park District. It allows -- it's a -- it's a five-plus-five early retirement incentive for Chicago Park District employees. There's no State dollars and it's -- the amendment's been agreed to. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 230 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 48 Ayes, 6 Nays, 2 Members voting Present. Senate Bill 230, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland, on Senate Bill 253. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 253.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. Senate Bill 253, as amended, is the bill that would, after June 30th, 1997, not allow for accumulated sick day leaves to be used for anything other than for sick days. We have been concerned for some time about the -- the obligated debt that the State is accruing on this issue. We have amended the bill and made it, I think, much more acceptable. We have grandfathered in, completely, all present State employees. So this will only affect

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new employees hired after July 1, 1997. It is prospective only. And, Madam President, I'd be happy to respond to any questions. Otherwise, would appreciate the support for Senate Bill 253.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senator, I concur with what you're trying to do here. My only question is, has -- has this ability to accumulate sick leaves -- sick leave been a negotiated process, and if so, are we preempting a negotiating process, or the -- with this type of legislation?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Senator Jacobs, the reason we made this bill effective July 1, '97 is that is the end of the current -- as -- as best we know, the end of the current collective bargaining arrangement. It will not be, however, in the new contracts, a negotiable issue.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

So -- so, effectively, what we are doing is -- is removing one of the issues from the collective bargaining process come July of 1997. Is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

That -- that is -- that is correct.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

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I -- I know it's a serious problem and I really recognize that. My only concern is, we are preempting the negotiations process by this legislation. I don't want to hold up the bill by any means, 'cause I think it has some merit. But I just wanted this Body to be aware that we are preempting negotiations whenever we pass this legislation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam -- Madam President, Ladies and Gentlemen of the Senate, sick leave is supposed to be used just for that, sick leave. The fact that this bill has been amended to make it prospective to '97, I think is very worthwhile and doesn't defer -- does not deprive, rather, the people who are entitled to it up till now or -- or up till then to get it. I think we have to think, in response to my colleague on the other side for whom I have the highest respect; we have to be preemptive when it helps the people of Illinois who are the taxpayers of Illinois. I understand there are some people who have accumulated twenty thousand dollars' worth of sick leave and so forth. That's obscene. I'm saying this is a good bill the way it's amended. It's fair. And I urge a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Weaver.

SENATOR WEAVER:

Question of the sponsor, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Weaver.

SENATOR WEAVER:

Senator -- Senator Maitland, what is the accrued liability on sick leave today?

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Maitland.

SENATOR MAITLAND:

Senator Weaver, to the best of our estimate, currently the -- the current liability is in the neighborhood of three hundred and forty-one million dollars for all agencies, including higher education.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? Further discussion? Senator Maitland, to close. Whoop. Senator Carroll.

SENATOR CARROLL:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Carroll.

SENATOR CARROLL:

Does this preclude prospectively the ability of a State employee working in one area of State government, accumulating the sick leave, taking the cash, and then going to work for another area of State government, like recently happened?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Senator, currently, as you know, the -- when an employee leaves one agency and goes to another agency, there is a termination there where that -- where that cutoff is made and -- and the payment is made at that time. I -- I -- my recollection is, Senator, there's no statutory authority for that. It's just done that way to keep it clean from one agency to the next.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Carroll.

SENATOR CARROLL:

The question was, were this Act to become law, would that provision be made illegal, as it should? As you know, we just had

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somebody leave the Governor's Office, take a huge sick pay benefit, and then get a job at sixty, eighty percent higher in pay on top of it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Madam President, I apologize, I was making sure I was sure of my answer and I -- and I may -- and -- and quite frankly, the volume wasn't very high either, Senator, so I was trying to listen and -- and -- and speak at the same time. Would you repeat your question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Carroll.

SENATOR CARROLL:

I will project more then. Will we be able to stop the practice of a person who works, for example, for the Office of the Governor, leaving that office, taking a large amount of sick pay, and then going to work, let's say, for the Gaming Board, by example, and getting a huge salary? Can we -- will this stop that practice?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

That -- Senator, the answer to that is, no, we will not be able to stop that. That's not a part of this. They will be able to transfer that from one agency to the next, if they wish to.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Senator Maitland, I -- a question just popped up here and I wanted to pose the question to you as -- I thought the answer was. Let's assume that there's a person who works for a university and

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that person decides that he or she is changing and either going to be -- and let's say they're going to another State institution within the State of Illinois. Is that person then classified as a new employee, and therefore become subject to the provisions of this Act?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

No -- no, Senator, they are not. And this -- this question really arose when we had this change in the original bill at -- at January 1, because of the changeover in the governance of higher education and we were concerned about that. But the answer to your question is no.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Can you -- can you tell me why though? I mean, is that because they're still on the same pension system payroll, or -- or -- or -- why is it -- why -- why are they not considered new, I guess?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Madam President. Senator, because they continue to be a State employee and they were hired before the date of this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

Let's -- let's assume, for all practical purposes then, that a professor at a university or a State employee loses their job or quits or -- or whatever, a year or two later decides to come back and be a State employee, then that person then is classified as a

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new person. Is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

The answer is yes. And, Senator, they would have gotten the lump-sum payout whenever the services were terminated as a State employee.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Madam President. The thing that bothers me about this bill -- it's a hard bill to -- to vote against. But, you know, I've seen employees both in -- in the private sector and in government both that are good employees. Then you see the others that every chance they have to take a day off, they take it off. They're really not that good of employees. Another thing that bothers me, you know, like if there is a -- a reduction in force and -- and some of the people are laid off and they're looking for a job, at least they have a little cushion there. Things like this that -- that really bother me about this bill, that, you know, for the really good employee that -- that's really out there and enjoys his work and wants to work, you know, if he doesn't use this take-off then -- then he loses it. And this part of it bothers me somewhat that -- that these people that really are good employees, that don't just every chance they have don't show up for work, that -- that now will -- won't have the privilege, the good workers, of accumulating this.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Maitland, to close.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. I appreciate the discussion on this bill -- than it -- and it --

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it is a -- it is a difficult issue. We are concerned, from a budgetary point of view, about the -- the three hundred and forty-one million dollars of -- of liability that we've accrued in the State. I think we have to go back to what sick days really mean. Sick days were never meant to be an entitlement. They are a way in which we provide income for a person when they are legitimately sick. Yes, Senator O'Daniel, there's no question, some people take advantage of it and that's too bad, but we have some very good employees as well. I think this is good legislation. It's responsible legislation and I seek support of the Body.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 253 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? Have all voted who wish? Take the record. On that question, there are 28 Ayes, 25 Nays, 4 voting Present. Senate Bill 253, having not received the required constitutional majority, is declared failed. Senator Maitland.

SENATOR MAITLAND:

Postpone Consideration, Mr. <sic> President.

PRESIDING OFFICER: (SENATOR DONAHUE)

That is always in order. Senator Woodyard, do you wish to have Senate Bill 281 returned to the Order of 2nd Reading? Senator Woodyard seeks leave of the Body to return Senate Bill 281 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 281. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Woodyard.

PRESIDING OFFICER: (SENATOR DONAHUE)



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Senator Woodyard.

SENATOR WOODYARD:

Thank you, Madam President, Members of -- of the Senate. Now, if I have the -- the correct amendment, and I guess I do have, it is just a -- a technical amendment in which I think the -- the sections were either mis-numbered or -- or put in the wrong place in the bill. But it is just a technical amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Woodyard moves the adoption of Floor Amendment No. 2 to Senate Bill 281. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 336. Senator Sieben. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 336.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 336, as amended, implements the Governor's Executive Order to combine the five entities into the new Department of Natural Resources. I believe this reorganization is good government. We had considerable discussion on the reorganization plan in the State Government Committee, and I want to commend the Governor and his staff and the five department heads who worked on this legislation, putting this proposal for reorganization

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together. It makes good sense. It'll provide better services and more efficiencies. I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I want to stand in favor of this bill. We had lively discussion in committee meeting, and I think one of the best aspects of it is that, from our side, we had encouraged, and certainly we worked together with the Chairman, and I want to congratulate him, to place the Office of Waste Management and Recycling into the DCCA in order to encourage recycling at -- in its next generation, as producing materials that can be used productively to encourage economic development in this State. Senator O'Malley and I had sponsored successfully some years ago a pilot program that was turned into public law, and I think that now Illinois will have a chance to join other states and to use this as an economic development vehicle. And I think it's a good bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Welch.

SENATOR WELCH:

In the -- in the bill, you have -- as Senator Palmer referred to, you've transferred the rights, powers and duties of the Department of Energy and Natural Resources to the Department of Commerce and Community Affairs. Who is there going to be in the Department of Commerce and Community Affairs who knows how to run recycling programs, or knows how they have to comply with environmental rules? How is that going to work?

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

In the organization chart that Director Manning presented to us and explained in the committee hearing, many of those key essential people will be transferred from the agency or department they're working in now. With that technical expertise, they will be working in the new Department of Natural Resources.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

Could you tell me how many personnel will be the net gain or loss out of it? How many in ENR are there now working on recycling programs? How many will there be working in DCCA working on recycling programs? What would be the difference between the two, if any?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

There won't be any net loss in -- in actual number of people that'll be working in that area.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

On energy conservation, what is -- what is the point of moving that from -- from the Department called Energy and Natural Resources? You take energy conservation out of it, it -- it seems to be a perfect fit. Why would you move that to DCCA?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

I think it ties in with the whole prospect of using the -- the

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funds in that program from the Office of Recycling and Waste Reduction to build a proactive program, as Senator Palmer indicated, that would -- would build jobs and -- and build an industry and focus in utilizing those resources to develop markets and -- and industry and programs and progress, and the sense of the committee was that DCCA was the most appropriate agency with that type of focus to go forward with that plan.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? For a second time, Senator Palmer.

SENATOR PALMER:

I apologize for rising a second time, Mr. President, but I just wanted to assure the Members on our side of the aisle who are concerned about environment and recycling that this move to DCCA was supported by all the major environmental organizations in the State, and, in fact, was brought to me by them.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Senator Rea.

SENATOR REA:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Rea.

SENATOR REA:

Included in this, I understand they have the Abandoned Mined Land Reclamation Council. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rea.

SENATOR REA:

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Who would -- who would they report to? At the present time this is under -- as I understand it, under the Lieutenant Governor's jurisdiction. Would this be removed and will there be a -- and what about the Regional Council? Would that still be in existence?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

Yes, the Regional Council will still be in existence and they will report to an office head -- a department head for that area within the Department of Natural Resources.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rea.

SENATOR REA:

What will be the role of the -- of the Regional Council?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

The Regional Council will have the same role that they currently have.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rea.

SENATOR REA:

Will that be strictly in an advisory to whoever the administrator of the overall may be?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Further discussion? Senator Sieben, to close.

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SENATOR SIEBEN:

As I said in my opening remarks, we want to commend the Governor and his staff and the department heads that have worked for some time putting this reorganization together. I think it's the type of legislation that people around this State would like to see happen: Better efficiency from our State government and -- and better services to the constituents that benefit from these five areas of State government. I would urge everyone to vote Aye on -- on the reorganization.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 336 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 336, having received the required constitutional majority, is declared passed. Senate Bill 340. Senator O'Malley. Senate Bill 346. Senator Madigan. Senate Bill 346? Senate Bill 354. Senator Barkhausen. Senate Bill 355. Senator Barkhausen. Senate Bill 357? Senate Bill 359. Senator Fawell. Senator Fawell, on -- on 359? Senate Bill 361. Senator Fawell. ...(microphone cutoff)...do you wish that bill called? Senator Fawell seeks leave to return to Senate Bill 359. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 359.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is a -- this is a bill that was brought to me and is supported by the Department of Aging. It is

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to allow them to set up pilot projects to see if they can figure out why and how to avoid sending people over seventy-five to nursing homes due to the fact that they have fallen or they are concerned about falling. It has been approved now by the Illinois State Medical Society with the amendment that we recently added. I know of no opposition and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 359 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, Mr. Secretary. On that question, there are 56 Ayes, no Nays, no Members voting Present. Senate Bill 359, having received the required constitutional majority, is declared passed. Senate Bill 361. Senator Fawell. All right. Senate Bill 368. Senator DeAngelis. Senate Bill 377. Senator Watson, do you wish this bill returned to the Order of 2nd Reading for the purpose of an amendment? Senator Watson seeks leave to return Senate Bill 377 to the Order of 2nd Reading for an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 377. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Watson.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. Senate Bill 377 and Amendment No. 3 makes several changes. It changes the date for awarding the first Ready to Learn start-up grant from January 1st, 1996 to April 1st, 1996. It authorizes, rather than requires, the State Board of Education to establish a full-time pre-kindergarten

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demonstration project. And it requires the State Superintendent, rather than the Governor, to appoint twelve public members to the Ready to Learn Council established under the legislation. It deletes the authority for the Council to organize a public education campaign; instead of, allowing it to recommend strategies to enhance public awareness of the value of early childhood programs. It directs the Council to ensure that Ready to Learn Program guidelines address, rather than include, children with special needs. It deletes the authority of the Council to develop quality standards for voluntary family support programs. And requires the State Superintendent, rather than the Governor, to convene regular meetings of the Council. I would move for its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, many of us have been receiving calls this week by opponents of -- of the Senate bill, and I'm wondering if -- if this amendment addresses the concerns of -- of those who've been calling concerned about the Goals 2000 and if this is now agreed by representatives of -- of those groups?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

We have attempted to address some of the concerns, but not entirely. I would imagine those groups probably still oppose the bill at this time. There will be further discussions and meetings with these groups and organizations to try to work out some sort



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of an agreement. If -- I hope that answers your question.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you. I stand in support of the bill. I think that some of the people that are most vociferous in opposition to the bill would like us to do nothing regarding children that need some help. I think we have to play a role in encouraging children and parents to be involved in school and outside of school. So I urge an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Watson moves the adoption of Floor Amendment No. 3 to Senate Bill 377. 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 393. Senator Peterson. Senate Bill 415. Senator Dudycz. Senator Dudycz? Senate Bill 429. Senator Burzynski. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 429.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a bill which creates the Illinois Manufactured Home Installation Act. It's an agreed-to bill. And primarily what

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we're trying to do is provide standards statewide that will also be set up as guidelines that will include any national standards. It is an agreed-to bill. I'd be happy to try and answer any questions there might be.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Does your bill -- I can't tell from our analysis. What exactly does your bill do?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Burzynski.

SENATOR BURZYNSKI:

Senator Geo-Karis, what we're trying to do is implement statewide guidelines for the installation of mobile homes. My understanding is the federal government is coming down with rules and regulations that will establish the guidelines should we not do that. So we're trying to do this in a timely fashion.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

But, when you say establish guidelines, are you providing that these manufactured home owners - I mean, I'm not talking about the people who buy the homes; I'm talking about the people who manufacture them - are you saying that -- that they don't -- they can do their own plumbing, they can do whatever they want to do, and not follow through with requirements of the various municipalities or counties?

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Burzynski.

SENATOR BURZYNSKI:

No, Senator. Basically, what this does is, it deals with -- right now people are installing mobile homes that have not completed any kind of required courses or anything else. And what this does is establish a course work for those who do install manufactured homes so that they can install them in a proper fashion which is according to the manufacturer's guidelines.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

But the -- the manufacturer's guidelines may not be the guidelines that are in a municipality for the installation, or plumbing, or electricity. And this is what concerns me.

PRESIDING OFFICER: (SENATOR MAITLAND)

Was that a question, Senator, or a statement?

SENATOR GEO-KARIS:

To the bill: I'm wondering if the sponsor of the bill would take it out of the record, because I think these things should be addressed.

PRESIDING OFFICER: (SENATOR MAITLAND)

Did you hear the request, Senator Burzynski, and the answer's no? Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. First a question of the sponsor, then a question to the Chair.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Carroll.

SENATOR CARROLL:

Senator Burzynski, am I correct that this would then have a standard set at the factory for things like plumbing and electrical and everything else, and that that would be the then

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statewide criteria?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Burzynski.

SENATOR BURZYNSKI:

At present, there are standards set at the factory for each one of these manufactured homes. Basically, what this bill does is allow the Department of Public Health, along with Manufacturers' Association, which by the way supports this bill, to establish the criteria for training for those that are interested in -- in installation of manufactured homes. It does not supersede - and I think this is what Senator Geo-Karis is getting to - it does not supersede any local ordinance regarding the installation of manufactured homes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll.

SENATOR CARROLL:

So then, if I can understand correctly, which is different than I think we were viewing it, both Senator Geo-Karis and myself, this would in no way set a standard for the home once it's -- as it's being placed on a site, and only deals with the issue of how to train the people who -- who actually build the home in the factory. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Burzynski.

SENATOR BURZYNSKI:

That's correct. And basically what we're doing, Senator, is to try and to make sure that -- that the manufacturers' warranties are still applicable. That -- if the homes are installed correctly. Yes, sir.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicate he will yield, Senator Jacobs.

SENATOR JACOBS:

It appears to me that what we are really doing here, Senator - and correct me if I'm wrong - following along the lines that Senator Geo-Karis brought up, it appears that we are -- are substituting certified employees or certified people to hook up plumbing, et cetera, in place of licensed plumbers that the city ordinance now may require. So are we preempting those local governments from having plumbers hook up this, if your -- if this bill passes?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Burzynski.

SENATOR BURZYNSKI:

That's -- that's a good question, Senator Jacobs. I do think there's, however, still a misunderstanding. Homes are -- are installed now without licensed plumbers, et cetera. They are installed according to local guidelines. This is not going to take those local guidelines away. What we're trying to do is ensure that warranties are maintained; that people have adequately installed manufactured homes and those homes are safe. This really, I think, goes above and beyond the issue that you're addressing.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

Just to follow up to make sure I understand it correctly. If a city has a requirement that a licensed plumber must do that, that is still in effect. Correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Burzynski.

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SENATOR BURZYNSKI:

That's my understanding, yes, sir.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR BURZYNSKI:

I would just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 429 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 47 Ayes, 5 Nays, 1 Member voting Present. Senate Bill 429, having received the required constitutional majority, is declared passed. Senate Bill 432. Senator DeAngelis. Senate Bill 434. Senator Cronin. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 434.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill makes the Public Aid recipient Bill of Rights applicable to applicants for and recipients of child and spouse support services. There is no known opposition to this bill. It does two things specifically: It allows child support recipients and applicants who are appealing their case to review their case file, which is maintained by Department of Public Aid; and it also, secondly, extends the Public Aid recipient Bill of Rights which already exists under current law to recipients of and applicants

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for child and spouse support services. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 434 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 434, having received the required constitutional majority, is declared passed. Senate Bill 439. Senator Cullerton. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 439.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill deals with the procedures employed for relocating children outside of Illinois. This issue, of course, occurs when there is a custodial parent that wants to move and this bill addresses that. Now, the current law says that if you are a custodial parent and you want to move anywhere within the State of Illinois, you don't need any court approval; however, if you want to move outside the State of Illinois, you need court approval. So what this bill does is to first say that, even if you're moving out-of-state, if it's within ninety miles of the child's residence, then you don't need court approval. But if you are going to move out-of-state and you're going to move more than ninety miles, the bill calls for a provision where you'll give notice to the other side; they have three weeks to respond. If they object, then you have a

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hearing, and then the court, in determining whether to grant or deny this petition to relocate the child, they shall consider the distance of the move, the motives of the party seeking to relocate, the motive of the parent opposing the relocation, the visitation rights of the noncustodial parent, whether a realistic visitation schedule can be reached, the time and the cost involved in the visitation, and any other appropriate factors consistent with the child's best interest. And the burden of proving that the relocation is in the best interest of the child is on the party that seeks the relocation. This bill is supported by a number of organizations - the Jewish Federation of Metropolitan Chicago, Illinois NOW, the Coalition Against Domestic Violence, the Citizens Assembly. We do not address the issue of relocation within the State of Illinois. There are -- there are people, other organizations, that are interested in -- in requiring a court order or court approval if you want to move within the State of Illinois more than ninety miles, but this bill does not address that issue. The law would remain the same with regard to that provision. So I'll attempt to answer any questions and ask for a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, you had Senate Bill 438, which also passed out of committee, which did address the question of intrastate moves more than ninety miles. Can you tell us why you've decided to go with this one rather than, I think, the Bar Association version?

PRESIDING OFFICER: (SENATOR MAITLAND)



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Senator Cullerton.

SENATOR CULLERTON:

Yes. The -- as I understand it, the Bar Association was not opposed to any of the provisions in this bill, but they wanted to go further and require that if you were going to move or relocate a child more than ninety miles from the child's residence, even if it was within the State, that you'd need court approval. There were a number of opponents to that measure, because that would be a change in the law, and some think a dramatic change. So we could not reach an agreement with those organizations and the Bar Association. So as a result, I decided to take the -- the common denominator, which is the -- this provision, which I was not aware -- I'm not aware of any opposition to this.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hawkinson.

SENATOR HAWKINSON:

Well, my only suggestion would be that -- that we're expanding the rights to move, really here, within ninety miles out-of-state, whereas now there is no right unless you go to court, and that perhaps some of those who -- who oppose any -- the Bar Association version to gain the -- the extra measures that you're providing for, in 439, without some reasonable restriction in the rights of noncustodial parents. It's an issue you might want to consider to -- to -- to talk about as this moves to the House.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Senator Cullerton, do you wish to close, sir?

SENATOR CULLERTON:

Yes. I do appreciate that issue raised by Senator Hawkinson, and I'm very open to that. If -- if there is an agreement with regard to reasonable limitations or court approval with regard to

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moving within the State of Illinois, I'm certainly open to it. At this point I think this is a reasonable request, though. If -- if someone goes from Chicago to Gary, Indiana or Hammond, or from Belleville to St. Louis, it doesn't make sense to have to have a court hearing if they're only going a short distance, and in this regard, it would cut down on the -- on the -- the court hearings. I think it's reasonable to have this mileage limitation in the bill, and would, once again, urge a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 439 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, Mr. Secretary. On that question, there are 56 Aye, no Nays, 1 Member voting Present. Senate Bill 439, having received the required constitutional majority, is declared passed.

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR MAITLAND)

Senate Bill 465. Senator Maitland. Senator Maitland seeks leave to have Senator Rauschenberger handle that bill. Is leave granted? Leave is granted. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 465.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

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SENATOR RAUSCHENBERGER:

Senate Bill 465 is a shell or vehicle bill that's -- we're positioning for implementing language as we go further on the budgetary process. It's a substantive bill to allow for the substantive changes that may be necessary.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The -- Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. Since this is a vehicle bill that we don't know what's going to be contained, including Medicaid borrowing, et cetera, I would urge a No or Present on this side.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR RAUSCHENBERGER:

For the purposes of clarification, there's -- there's no need to put Medicaid language in there. The Governor has taken that out of discussion, and he already currently has whatever authority he needs if he wants to do Medicaid refinancing. So, I appreciate your concerns. In the past, frequently, we've just taken a bill moving around and gutted it to put the implementation language. This is a -- an action by Senator Maitland to identify the bill so people can track it and watch it. You're certainly welcome to vote how you think is -- is necessary. But I -- I don't think there's -- I think it's a good Yes vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio, for what purpose do you rise? The Gentleman was closing.

SENATOR DEMUZIO:

Oh, he was. I'm sorry. I -- I just had a thought here.

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There's probably the elimination of the Prompt Payment Act or something, but it just -- just a thought.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall Senate Bill 465 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 33 Ayes, 11 Nays, 14 Members voting Present. Senate Bill 465, having received the required constitutional majority, is declared passed. Senate Bill 501. Senator Weaver. Senate Bill 502. 505. Senate Bill 506. Senator Tom Dunn. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 506.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Tom Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This bill would provide that all health care professionals to disclose their prior health care jobs on any application when submitting for employment to a health care professional. All health care employees would have to -- employers would have to know the -- notify the DPR of any convictions, and it would create a -- a fine of a Class A misdemeanor for failure to list your prior employment on a job application. The second portion of the bill dealt with an amendment that was proposed by the Medical Society, and that would require HMOs to report to the Medical Disciplinary Board any conduct by a physician resulting in termination or restriction. This incident, you will recall, arose in the papers with a physician up on the north side who sexually abused patients, and there was even a later incident, where a nurse who worked in

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Wisconsin as a lab technician, who was paid by the number of diagnoses she made per day - what we used to call piecework - and she misdiagnosed on -- on a couple of those and that individual came down with cancer. That nurse -- lab -- laboratory assistant then came to Illinois and failed to put on her application that she had this incident. So, this is a bill that would protect patients from individuals who have had a prior record and do not disclose it. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Bill 506 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 506, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley, on Senate Bill 532. Read the bill, Mr. Secretary. Out of the record. Senator Watson. Senator Watson. Senator O'Malley, on Senate Bill 554. Senator DeAngelis, do you wish to seek -- have this bill back on 2nd Reading for the purposes of an amendment? Senator DeAngelis, do you seek leave? Senator DeAngelis seeks leave of the Body to return Senate Bill 565 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 565. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley, on Amendment No. 1.

SENATOR O'MALLEY:

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Thank you, Madam President and Members of the Senate. Senate Floor Amendment 1 to Senate Bill 565 deletes the provisions in the original bill and becomes the bill. What it provide -- the provisions of this amendment include: Renaming the board of appeals as the board of review; adds a third member to the board; provides that each member shall be elected from one of the districts that will be created under the law, that will serve from those districts as opposed to at large across the county, and will serve on staggered terms; provides that any decision of the board must be unanimous, which is consistent with the -- the -- the current rules under the -- in the board -- in the Board of Tax Appeals of Cook County; directs that the General Assembly to actually apportion the district areas; and gives Cook County property taxpayers access to the State's Property Tax Appeal Board, the same as all other counties, beginning with the 1996 assessment year.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Can I ask the sponsor a question? Would he yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Molaro.

SENATOR MOLARO:

Thank you. Senator, I assume this goes strictly to Cook County and presently we have two members of the Board of Tax Appeals. Does this bill -- does your amendment, now covering the same area, which would be Cook County, now we would have nine board members looking at three different sections? How many board members would there be?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

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SENATOR O'MALLEY:

Senator Molaro, there would be three board members.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

Well, if you've -- if you've knocked them into three subdistricts, it would be the same three members looking over the entire three districts, or would there be three members per each district?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Molaro, each one would be elected from a district.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

Yes, but -- just to get this clear, 'cause I'm -- I'm trying to read this correctly. Says the board of review shall consist of three members, one elected from each district. So we're going from two to three members, I would assume. The other thing is, do you have any -- anything inside the amendment - would Chicago, in and of itself, be a district or could it just cut down lines anywhere?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

The apportionment would have to be done in the Legislature and conform to the law, including the constitutional provisions, one man/one vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

Would this currently then eliminate the Board of Tax Appeals

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that we have in Cook County now, that's an -- at large?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

The -- the -- the members --- the current members would be replaced by this board. If that's your -- yes -- yes, it would -- it would replace that -- that sitting board of two members.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

One last question. Do we have any fiscal impact as to how much it would cost us to do the reapportionment, spend the money to do this -- how many -- to pay the board members, to have extra staff, to wind up having extra elections in different counties? Do we have any idea how much this would cost us?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Yeah. A fiscal note request was made and according to the Department of Revenue - and I'll read -- I'll quote directly from it, their conclusion - "The legislation may increase costs for the State Property Tax Appeals Board as Cook County property owners are allowed access to the Board, and, as a result, the case-load would increase <sic> (increases). However, the amount of any increase, if any, is undeterminable."

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Ladies and Gentlemen of the Senate. I rise in opposition to the amendment as I did in -- in...

PRESIDING OFFICER: (SENATOR DONAHUE)

Excuse me, Senator Berman. Senator Berman.



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SENATOR BERMAN:

From the point of view, Ladies and Gentlemen, of the residential property taxpayers in Cook County, I've got to tell you that what you are doing is probably hurting them. Over half the appeals that go before the presently existing Board of Appeals by residential property taxpayers are granted. Half get relief. Now that's after a process that the Cook County Assessor's Office currently provides, where residential property taxpayers can go before the Assessor's Office and contest their assessment. Now what you're going to do is create a new bureaucracy of three elected officials with their own staff, that will probably far exceed the existing staff or the county-paid-for Board of Tax Appeals. What you're going to do is have the State pick up the tab under this bill. Our estimate, according to our staff, is that you are not only going to increase State costs, but your going to increase the waiting period to get a result. The Property Tax Appeals Board has an eighteen-thousand-case backlog at the present time. And what you're going to do, under this amendment, is probably at least double their caseload. So, instead of an eighteen-thousand-case backlog, you may be talking about a thirty-five-thousand-case backlog. This bill hurts Cook County property -- residential property taxpayers and will hurt downstate property taxpayers. I urge a No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR O'MALLEY:

Thank you, Madam Chairman. There's been a sufficient amount of discussion I hear, so that everybody understands what's in the bill. I'd only comment that I think what we're attempting to do here is allow the citizens of Cook County to enjoy the same due process rights with respect to tax appeals - property tax appeals

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- as are enjoyed by the rest of the citizens of Illinois. I'd request your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones, for what purpose do you rise? The man was closing.

SENATOR JONES:

Yeah. Thank you -- thank you, Madam President. Senator O'Malley...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones, he was closing.

SENATOR JONES:

Why wasn't my light on?

PRESIDING OFFICER: (SENATOR DONAHUE)

No.

SENATOR JONES:

Well, I apologize for it not...

PRESIDING OFFICER: (SENATOR DONAHUE)

Well, I'm sorry, he was closing. The question is...

SENATOR JONES:

Madam -- Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Yes, Senator Jones.

SENATOR JONES:

I apologize for you not being able to see my light.

PRESIDING OFFICER: (SENATOR DONAHUE)

Your light was not on, sir.

SENATOR JONES:

Well, since -- since you say it was not on, then I -- I request a roll call vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Roll call is questioned <sic>. On Senate Amendment No. 1 to Senate Bill 565, all those in favor will vote Aye. Opposed, Nay.

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The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 26 Nays, 1 voting Present. Amendment No. 1 to Senate Bill 565 is adopted. Are there any further Floor amendments?

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Maitland, on Senate Bill 573. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 573.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you -- thank you very much, Madam President. Senate Bill 573 is just what your analysis says. It is a -- it is a shell bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. Senator, I -- I know this is a shell bill, but amending the State Finance Act is -- is -- is serious business, and I -- I think that for the purpose of Members on this side of the aisle that, you know, we should at least vote No or Present until we see what is going to be contained in this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Any further discussion? Senator Maitland, to close? The question is, shall Senate Bill 573 pass.

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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, 11 Nays, 10 voting Present. Senate Bill 573, having received the required constitutional majority, is declared passed. Senator DeAngelis, for what purpose do you rise?  
SENATOR DeANGELIS:

None.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Woodyard, on Senate Bill 584. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 584.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Madam President and Members of the Senate. This is the ethanol labeling bill, and due to the fact that Senator Raica generally asks me to take my bills out of the record, I would ask that this bill be taken out of the record.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Bowles, on Senate Bill 597. Senator Parker, on Senate Bill 601. Senator Parker, on Senate Bill 601. Senator Donahue seeks leave to bring <sic> Senate Bill 611. Leave is granted. Senator Raica, on Senate Bill 618. Senator Butler, on 620. Do you seek leave of the Body to return the bill to the Order of 2nd Reading? Senator Butler seeks leave of the Body to return Senate Bill 620 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 620. Mr. Secretary, are there any

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SECRETARY HARRY:

Amendment No. 1, offered by Senator Butler.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler, on Amendment No. 1.

SENATOR BUTLER:

Thank you, Madam President. Ladies and Gentlemen, Amendment No. 1 clears up some confusion. It is a technical correction to be certain that this is a prospective -- is prospective, period.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Rauschenberger, on Senate Bill 630. Senator Parker, on Senate Bill 636. Senator DeAngelis, on Senate Bill 657. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 657.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you. There is an amendment, but it's on 658, right? Well, I'm going... No, wait.

PRESIDING OFFICER: (SENATOR DONAHUE)

Out...

SENATOR DeANGELIS:

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No -- no. We're not going to run the amendment. So I'm going to run both bills.

PRESIDING OFFICER: (SENATOR DONAHUE)

657 has been read, Senator DeAngelis. So we're on the Order of 3rd Reading with Senate Bill 657. Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam Chairman. I was going to roll 657 into 658, because someone might have had use for this bill, but I'm going ahead and just run them separately. Several years ago we passed a bill that allowed any area that was less than ten percent of the EAV to detach, by petition, provided that it joined with the district that was coterminous. We have had a lot of little pockets in dual districts where one or two students, or three or five students, have to go to a different school than the -- than the high school that their normal elementary school would go to. In fact, we have one school district in my District 161 that sends their junior high students to five different high schools, and in some instances, there's only one student out of four hundred going to a different high school. The bill, on it's face, appeared to be working well, till all of a sudden the ever litigious schools decided that if they didn't like that, they would go to court, and even though they were wrong, they felt they could fatigue the opposition into compliance. And in most instances, they will, because the cost of litigation is so heavy. Recently, it -- it reached such an extreme that -- that one particular detachment petition, having exhausted all other resources, a school district having spent over two hundred thousand dollars in legal fees, then further went to the federal courts and asked for an injunction on the grounds that it violated the Fourteenth Constitutional Amendment. I mean, absolutely an absurd charge. But I don't know if you've ever had to fight a challenge on a constitutional amendment - I can tell you it's very expensive. So what this bill

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is doing is it simply says that -- and I'm going to surrender to those guys in part. I'm just saying that if there's a petition that's out there and it's satisfactory, that the school has the choice of paying the tuition for that student or letting him or her go and the whole area go to the other school district. In other words, they're going to make an economic decision: If they feel it's better for them to just pay the tuition of that student to the other school that they petition to, they can do that; if not, they can except the petition and allow the entire district to detach.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 657 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 657, having received the required constitutional majority, is declared passed. Senator DeAngelis, on Senate Bill 658. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 658.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you. On the same subject. What has happened, in one of the school districts that fall into multi-jurisdictions, the trustees of every jurisdiction must approve - which will -- never going to happen - so I just took that jurisdiction approval and moved it to the State Board of Education.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Is there any further discussion? Any discussion? Seeing none, the question is, shall Senate Bill 658 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 658, having received the required constitutional majority, is declared passed. Senator Cronin, on Senate Bill 662. Senator Karpziel, on Senate Bill 674. Senator Maitland, on 682. Read the bill, Mr. Secretary. Do you wish to have that bill on the Order of 2nd Reading? Senator Maitland seeks leave of the Body to return Senate Bill 682 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 682. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland, on Amendment No. 1.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. Senate Amendment No. 1 to Senate Bill 682 provides the Illinois Community College Board with certain emergency powers only if both of the following incidents occur: Number one, a community college district fails to meet ICCB recognition standards; and, the district's auditor, or the ICCB in cooperation with the district's auditor, in accordance with a wide range of accepted accounting standards, finds misuse of funds or material deficiencies in design or operation of financial control structures that could affect the district's financial stability. This bill got caught up -- this amendment was a -- was a House bill that got caught up in the deadlines over there. It had passed -- over there, out of



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committee, 10-0. Passed out of committee here on an attendance roll call. And I would be happy to answer any questions, Madam President, otherwise would appreciate your support for Senate Bill -- Senate Floor Amendment No. 1 to Senate Bill 682.

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 Maitland, there has been some concern expressed to me that this could be a vehicle to close schools, as opposed to an emergency power or a -- a technical assistance. Could you give us assurance that this bill will not be used for that purpose?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Senator, I -- I absolutely will. I took this bill based upon the merits of the bill alone. It's an attempt to help perhaps a -- a troubled school or two. There's no intent to do anything other than that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Palmer, we are on an amendment, No. 1, to the Senate bill. We're not on 3rd Reading to discuss the bill. Further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Yes. Would the speaker yield, Madam President?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Clayborne.

SENATOR CLAYBORNE:

Yes. Senator Maitland, what is the current procedure if a

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city -- if a community college fails to receive recognition?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Senator, I'm -- I'm reliably informed that about the only thing they can do is just not allow for -- they would not be able to seek the State grants, et cetera. I -- I know the purpose of -- of your concern. It's -- you're had some difficult situations down there. This really, I think, is designed - as I am told - to assist and not hinder your community college.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there further amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Lauzen, on Senate Bill 720. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 720.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Thank you. Senate Bill 720, as amended, provides a forty-five-day opportunity for local government to hold a public hearing and approve or disapprove any Illinois Housing Development subsidy to developers for this agency's projects. This legislation is supported by the Illinois Municipal League, and I'd

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be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Collins.

SENATOR COLLINS:

Senator, in committee we -- we had some discussions and concerns in reference to this bill limiting access to low-income subsidized housing to people who are critically in need of -- of housing. And there was an amendment placed on the bill and I thought it was going to provide some changes, but from what my understanding of the amendment is, is simply, it gives them the same authority, but it's after the -- the, you know, it's -- it's before the bonds are issued. So, in other words, the amendment does very little to respond to the problems that we had with the bill -- that was discussed in the bill -- that we discussed in the -- in the -- in the committee. As a matter of fact, I think it makes it worse, because you have spent more time -- the developer would have spent more time and energy moving this project to a state where they can, in fact, go after the bond issuing and -- and -- issue, and then at that point you're saying that they can reject -- the local government can, in fact, reject the project. Now I do think that all units of local governments, currently under existing law, have the right, through zoning mechanisms and other available remedies to them, to deny any development in their area. I think this bill, though, could, in fact, be perceived, real or imaginary, as being a way to isolate and minimize the development of low-income housing in certain areas. And I -- and I -- and there is a movement across this State and nation to kind of do those kinds of things. And -- and it's kind of frightening. And so, I think, in this atmosphere, this bill could be perceived the wrong way, and I would just suggest to people on this aisle, please do not vote for it.

PRESIDING OFFICER: (SENATOR DONAHUE)

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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 Lauzen, are you aware of the fiscal note and the findings that are here? For the Members of the Senate, let me just point out what this says, that this bill, 720, as amended, would be five hundred seven thousand five hundred dollars per year, and that is in addition to what the Illinois Housing Development Authority is already costing. And I know that you are a fiscal conservative, so I'm wondering why you would promote a bill like this that obviously is going to be very costly.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Thank you very much, Senator. This -- the fiscal note is before the amendment that was placed on the bill yesterday, and I would say -- my reaction to the fiscal note is that I -- I believe that it's exaggerated. When it lists that three clerical staff members and six professional staff persons are needed, I think that that, in my opinion, is an exaggeration. However, even if it's not an exaggeration, one of the purposes of the amendment that was placed on this bill, through negotiations with the Illinois Housing Development Authority, addressing some of their concerns, went to that fiscal note.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

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Indicates he'll yield, Senator del Valle.

SENATOR DEL VALLE:

Senator, what problems are we attempting to get at with this bill? And is this bill an initiative of the Illinois Association of Housing Authorities?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

First of all, to answer your second question first, it is not. Secondly, where this legislation comes from is one of the towns that is in my district. The situation was that about a hundred and fifty to two hundred residents of a certain area came to a city council meeting. There -- they were given the opportunity -- three people were given a chance to speak for three minutes or less and then a city council member stood up and said, "This is a State matter; we have nothing to say", and there was -- there was nothing more that these hundred and fifty to two hundred people could do except deal with a State -- a State agency. I was in the audience in the back row with my eight-year-old, and I remember thinking at the time, this is clearly a zoning issue and it's a local issue. But, you see, we have confusion in the law, and therefore, the need for this legislation to clarify it. Locals point down to the State. State points back to local, and what happens is those hundred and fifty to two hundred people who live in that area have nowhere to go, except to try to find their way through a bureaucracy in the State of Illinois.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further -- Senator del Valle.

SENATOR DEL VALLE:

Well, to the bill: I understand what you're saying, Senator, and I'm all for ensuring public participation, but I think what this bill does is it sends the wrong message. I think that we

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should be -- we, at the State level, should be supportive of the development of affordable housing. IHDA is responsible for developing not only low-income housing, but also moderate-income housing. And there are many individuals, many families, who are benefitting from -- from the work of -- of IHDA. As was stated earlier, there is a fiscal impact. Over half a million dollars that could be used to develop additional housing will now, under this bill, have to be used to -- to deal with -- with your -- your proposal here, and I would say that the State of Illinois, yes, should be in the business of encouraging the development of affordable housing throughout the entire State, and what this bill does is that it presents an obstacle. And we may very well have a number of areas who will refuse - refuse - to go along with having affordable housing placed in their communities. And I think that's wrong. I think that the way to deal with affordable housing is scatter -- to scatter it throughout the entire State. What your bill does is that it -- it's going to force probably continued concentration of affordable housing only in certain areas. And that's not good. It's not good for the residents and it's not good for the State of Illinois. So I urge a No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Jacobs.

SENATOR JACOBS:

Is it true that, in DuPage County, low income is classified at thirty-seven thousand dollars?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

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SENATOR LAUZEN:

I don't have those figures. Sorry.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

According to our analysis, that's what it says, but kidding aside, I guess. Are we not affecting a number of the policemen and firemen that work in those communities, that now cannot afford housing? Aren't we forcing them to leave where they live to go somewhere else, because they can't get affordable housing?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

I -- no -- no, it does not. It's an interesting -- and I appreciate that question, because some people would mischaracterize this legislation as being like NIMBY - not in my backyard - or no to any kind of development. Within my own district, Senator Jacobs, I have examples: in one area where the people came forward to express their concerns; yet, in another area, in my hometown for forty-two years in Aurora, we have Copley Hospital, where they're building a new hospital and they want to redevelop the old site where three of my children come from, and there they want it, and so the community has gotten behind it. And so, it's -- it's not a matter -- it's -- it's a matter of getting the local support for the development.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

Just one final question. Also along that same line, are we forcing senior citizens away from their children?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

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SENATOR LAUZEN:

No, I don't -- I don't believe so. You know -- no, I don't think so.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate. In my particular city, we have more subsidized housing than any -- that any other place except for Waukegan. We, too, have the most. And it's not fair, because it's affecting our schools, radically. And all this bill's trying to do is give it a fair hearing before a local body who can tell whether we have the need for it and whether we can accommodate it. I think it's only fair, 'cause we have other areas that have none - no subsidized housing. And we are the ones sat upon. In fact, there's a developer who didn't quite give the true story to the Mayor in my town, and going under IADHA <sic>, he wants to build two hundred and fifty-three apartments, and -- which is devastating to the tax base and also to the school base. So, all I'm asking is you support this bill, as amended, because it gives a chance for a fair hearing in the community. And if the community needs it, it'll happen. So I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Cullerton.

SENATOR CULLERTON:

Senator Lauzen, as amended, is the Illinois Housing Development Authority in favor or opposed to the bill?

PRESIDING OFFICER: (SENATOR DONAHUE)



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Senator Lauzen.

SENATOR LAUZEN:

Because of the negotiations, they are now neutral.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

And do I understand that, right now under the bill, instead of just requiring a public hearing, something which I -- I think I could certainly support, you are -- also are requiring or allowing local governments to veto whether or not the project can go there or not. Is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Senator. The -- it does not require a public hearing. It does allow a public hearing. But the second part of your question, basically the answer is yes; it does allow a disapproval in that process, if they select to have a hearing.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton. Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Fawell.

SENATOR FAWELL:

Senator Lauzen, I believe that particular housing development that you're talking about is not in your district, but happens to be in mine. Is that true?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

I'm under the impression that it's in my district. I did -- I

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did attend the meeting and I did talk to the hundred and fifty, two hundred people, and then arrange the hearing at a local church the following Saturday. But, if you want to claim that area, you may be right.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

Senator Lauzen, it is in my district and I, too, went to a hearing. I personally went around and talked to the neighbors. You said it was not a NIMBY thing. It was a NIMBY thing. It happened to be a home for the mentally ill. Is that the one you're talking about?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator -- or, Senator Lauzen.

SENATOR LAUZEN:

No. That's absolutely a different issue. So maybe that home is in your district. This development, called Country Woods, is in my district.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

All right. The problem with your bill then, as I see it, is indeed what is going to happen is it is going to affect homes. I have been on the board, for instance, for the Senior Home Sharing Group. Now, the Senior Home Sharing Group is actually, in effect, a commune for -- for seniors who are too old to stay in their own apartments and, yet, don't really want or need the services of a nursing home. And so we combine them. We allow eight seniors. They receive that money from these agencies. When we first put the first one in, in Lombard, believe me, it was a fight to the finish to try and get in there, to get this home established. Now, the homes are established and -- and the towns are now coming

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to us and saying, "Great idea; we would like one." When we first put the home for the mentally ill in, Glen Ellyn Woods, which is in my neighborhood, we had people that said, "This is a terrible idea; you can't do this; we mustn't do this." These people have now been accepted, and I think if people gradually learn that there's -- these people are not harmful either to their neighborhood, nor will they be harmful to their -- their -- the -- the assessed valuation of -- of their homes in the neighborhood, that this will be -- become an accepted thing. When we put a home in on Gary Avenue in Wheaton for the developmentally disabled, same thing - nobody wanted them. Senator Lauzen, we are under a court order right now to get a hundred and forty thousand people out of institutions - a federal order - and if we don't do it, then the feds are going to come in and -- and make us do it. Now, you know, a lot of that money in DuPage County is being used for those kinds of homes. This amendment -- this bill will destroy that ability to be able to handle those people. I -- it may not have been your intention, but that's what's going to happen. I don't think it's a good idea and I think we ought to think twice before we go jumping off this cliff.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Klemm.

SENATOR KLEMM:

Well, thank you, Madam President. I -- I want to thank Senator Lauzen for his willingness to try to resolve some of these questions that you have when the bill gets over to the Senate -- or, the House. But one of the reasons why I support the bill, and let me give you a fast example. We had two projects in our county that were for low-income and senior citizens and no one opposed those projects. There was nothing wrong with them and we -- we thought they were pretty good. But what we didn't like about them is -- is that the subsidized rents for that were from seven

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hundred to a little over a thousand dollars a month. Okay? The cost of apartments in our community - for the comparable apartments - were from four hundred and eighty dollars to seven hundred dollars a month. But we were going to pay, from taxpayers subsidizing the -- the developer, two, to three, to four hundred dollars a month for each unit every month, year in and year out, because we had nothing to say about it. The community said, "Hey, work with us. Why don't we just give them that money? They can get apartments that are vacant in our community, help the economy, let them pick their home. It would say the taxpayers millions and millions of dollars." "Sorry, you have nothing to say about it. Too bad. Up yours", they said. That's not right. If we want to save some money for Illinois and yet give these people an opportunity, we could serve more people if we had those extra dollars, without raising taxes, without taking money from schools. We can do something about it. Senator Lauzen's trying to do that. Sure, there may be some changes he wants to do in the House. Let's give him that opportunity. Let's try to work, for once, to have local government and local people help State government do the job. That's what it's all about. I support the bill and I hope you'll join him.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Collins, for a second time.

SENATOR COLLINS:

Yes, thank you, Madam President and Members of the Senate. I -- I just felt compelled to -- to respond to the last speaker, because I tell you, it -- it's a real shame if -- if those of us who are in this Chamber today is -- is -- is opposed to the -- the fair market value to be paid for rental apartments by low-income people. And I think, Senator Klemm, the federal government - Senator Klemm - the federal government, I understand, is -- is going to work on that. I support the -- the proposition, too,

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that rent should be based on the fair market value of a given area, no matter whether they subsidize housing or not, and that would most certainly free up more money for more subsidized housing. But this bill has nothing to do with that. You know it and I know it, and the sponsor knows it, too. This bill is designed to -- to -- to regulate and discriminate where low-income housing go, be it for senior citizens, be it for any other group of people, that they decide - they decide - by their standards - their community standards, who are undesirable for the socially and economically undesirable to be in their neighborhood. That is what this bill is all about. You know it, and I know it. And, Senator Klemm, shame on you. You know that is not why the bill is -- is -- is before us.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR LAUZEN:

Thank you, Madam President. First of all, in closing, I'd like to say that I'm very supportive of Illinois Housing Development Authority's mission of providing affordable housing. I also appreciate Mike Rose and other members of that agency's help in fashioning a piece of legislation that satisfies some of the concerns. It's the premise of this legislation that the success of any low-income housing development cannot be achieved without the cooperation of the local community in which it's located. Therefore, the elected governing body of the city, town, village or county, as the case may be, shall have the right to decide whether a low-income housing development is subsidized in their area and whether it's consistent with the comprehensive plan for their particular community. I would just ask for a Yes vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 720 pass. Those in favor

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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 33 Ayes, 24 Nays, 1 voting Present. Senate Bill 720, having received the required constitutional majority, is declared passed. Senator Philip, for what purpose do you rise?

SENATOR PHILIP:

Thank you, Madam President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR PHILIP:

Madam President and Ladies and Gentlemen of the Senate, in the south gallery are forty-three charming ladies from DuPage County. Whoop. Don't get excited, guys. They are members of the DuPage County Women's Republican Federation. My wife is among them, Nancy, and we have the President, Marcia Fleming. I wish they would please stand and be recognized by the Senate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please rise and be recognized. While we're on a slight at ease, Senator O'Daniel has some very special guests with him. I'd like to turn the Podium over to Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Madam President. Members of the Chamber, would you give me attention, please. I have some very distinguished guests I'd like to introduce here. The Mt. Vernon High School Illinois State Champion Mock Trial Team are here - twelve members with their -- with their coach, Andy Wells. I'll have him to introduce them just in a minute. Anyway the Illinois Bar Association sponsors the competition each year, which selects the Illinois champions. They won their title with extraordinary teamwork and skill, and -- and we take great pride in -- in their accomplishments. They were the first school outside of DuPage

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County to have won this title in -- in -- in recorded history. The Mt. Vernon Township High School team is now on their way to Denver, Colorado for the national championships on May the 13th and 14th. And at this time, I'd like to have -- I'd like to have Coach Andy Wells to introduce the members of the Mock Trail Team. Andy.

COACH ANDY WELLS:

(Team introductions by Coach Andy Wells)

SENATOR O'DANIEL:

Thank you, Coach Wells, and good luck in -- in Denver when you go for the national championship. We're really proud of you. Thank you very much.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen, on Senate Bill 726? Read the bill, Madam -- Mr. Secretary. Can we have some order, please. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 726.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. Hopefully, this'll be much quicker. This -- this is an -- or, this is a bill that is the result of an agreement between the Illinois Retail Merchants Association and the Department of Revenue, and it just adjusts the late filing penalties so that it's more fair.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is -- Senator Demuzio.

SENATOR DEMUZIO:

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May I inquire as to how more -- you indicated that the amendment is much more fairer to the consumer. Can you tell me how much more fairer to the consumer are we by virtue of this amendment now?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

How the penalty was assessed in the past was that the -- I believe it was a five-percent penalty was assessed on the whole balance of the initial text, no matter how much was paid. What this does is it -- it gives consideration to payments that have already come in when assessing that penalty, and they have some maximum caps. My concern, in sponsoring this initially, was that we would take away the negative incentive for people to pay their taxes, and we wanted to make sure that if you don't pay your taxes, you're penalized. But this is a good compromise of those two positions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? Further discussion? The question is, shall Senate Bill 726 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 726, having received the required constitutional majority, is declared passed. Senator Cronin, on Senate Bill 727. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 727.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.



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SENATOR CRONIN:

Thank you very much, Madam Speaker, Ladies and Gentlemen of the Senate. This bill, Senate Bill 727, is a -- is a bill that is supported by the Chicago school reform groups, by Chicago School Board of Education and the Large Unit District Association. We have all the various interest groups -- important interest groups involved and are supportive. It -- we worked on this. There was an amendment in committee that deleted some of the controversial measures about staggered terms and criminal background checks. We replaced those points with language that requires LSC candidates to disclose whether they have ever been convicted of various drug and sex crimes, and allows, but does not require, LSCs to remove members for failure to disclose such information. The other provisions in the bill are, as I say, suggested by reform groups from the City of Chicago. This has had unanimous support. I know of no opposition. It's a wonderful bill. I ask for your favorable support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 727 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 57 Ayes, no Nays, none voting Present. Senate Bill 727, having received the required constitutional majority, is declared passed. Senator Woodyard, on Senate Bill 728. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 728.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Woodyard.

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SENATOR WOODYARD:

Thank you, Madam President, Members of the Senate. This bill deals with eighty-thousand-pound trucks on designated highways, and it has gotten so heavy that I think I better take it out of the record, also.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz, on Senate Bill 747. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 747.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Madam President. Senate Bill 747, as originally introduced, created the offense of solicitation by computer for sexual purposes. The amendment, at the request of the Judiciary Committee, deleted the bill and amends indecent solicitation of a child and indecent solicitation of an adult to include solicitation in person, in writing, by telephone, or computer, or other electronic means. I know of no opposition at this time and I would seek your affirmative support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Madam President, Members of the Senate. I just wanted to thank Senator Dudycz for accepting the amendment. I think we've improved the bill tremendously and it's consistent with other provisions in the Criminal Code that deal with solicitation, and urge an Aye vote, as well.

PRESIDING OFFICER: (SENATOR DONAHUE)

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The question is, shall Senate Bill 747 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 747, having received the required constitutional majority, is declared passed. Senator Maitland, on Senate Bill 749. Senate Bill 749. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 749.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. Again, Senate Bill 749 is a -- is a shell bill, and I would seek your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President. I -- I just want to let our Members know that this is another vehicle and we simply don't know what's going to be in it, and I would suggest a Present vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Cullerton.

SENATOR CULLERTON:

Senator, just out of curiosity, what is this Act that we're

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amending?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Senator, is -- it is the Governmental Account Act.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton. Oh. Senator Maitland.

SENATOR MAITLAND:

...Audit Act. I'm sorry.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

This is why I never get involved with appropriations. I read that. I just didn't know what it meant. What -- what does -- what's found in that Statute? And -- and -- just out -- since it is a shell bill, what type of bills could there be that would amend that Act?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Senator, my guess is, almost anything. Senator, I -- I am trying to be as honest with -- with you as I can. I'm being very straightforward here, and I -- I would just -- I would respond, I -- I -- I can recall, Senator Severns, when -- when -- when you folks had the majority, having even voted on the -- on the -- in the affirmative on some shell bills that -- that bore your name. I mean, there's nothing devious here. You and I both know that, and -- and we need to keep some vehicles alive that will benefit both sides of the aisle and this is our attempt to do it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? Further discussion? Seeing none, the question is, shall Senate Bill 749 pass. Those in favor

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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 33 Ayes, 2 Nays, 23 voting Present. Senate Bill 749, having received the required constitutional majority, is declared passed. Senator Berman, on Senate Bill 753. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 753.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Berman.

SENATOR BERMAN:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Bill 753 clarifies language regarding the use of certificates of error in the process involving, in Cook County, tax sales. The -- the reason for this bill is because of recent court rulings that require clarification. Civic Federation recommended these -- this language, and I know of no opposition.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 753 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 55 Ayes, no Nays, none voting Present. Senate Bill 753, having received the required constitutional majority, is declared passed. Senator Petka, on Senate Bill 768. Senator Parker, on Senate Bill 775? Read the bill, Mr. -- Madam -- Mr. Secretary.

SECRETARY HARRY:

Senate Bill 775.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President and Ladies and Gentlemen of the Senate. This bill -- the current State law now allows a two-thousand-pound variance on truck weights, up to seventy-three thousand two hundred and eighty pounds, and a one-thousand-pound variance for trucks weighing over that amount, up to eighty thousand pounds. The concern is that the portable scales are not accurate, and when they go in and weigh in at portable scales that they are actually penalized at fifteen hundred pounds. And what they would like to do is have a two-thousand-pound variance available for the eighty-thousand-pound trucks that would match the lower-weight trucks. We actually discussed this at length in the committee. It was my hope that we would come into agreement with IDOT and the other concerns about this bill. The committee had asked that we move this forward, if we can do this out of the Senate, and in the House, amend this so that it would just affect the portable scales and not the fixed scales and that we would have the variance on only the portable scales to two thousand pounds, but not the fixed scales. And so I would be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Jacobs.

SENATOR JACOBS:

Senator Parker, you're absolutely right that we were going to -- to make sure that this just applied to portable scales. I

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thought we were going to try to do that here. I -- I understand that the Department of Transportation is still opposed, regardless of what we do. That doesn't really bother me that bad. But I thought we were going to try to put that on here, rather than to wait in the House. If I'm mistaken, please -- please state so, 'cause I'm not going to hold the bill up.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

No. My understanding was, and I did ask our Chairman, that we were going to amend it over in the House because we were short of time. You know, I understand there is still a concern with IDOT. I would like everybody to come to some agreement on this. And so, what I'm saying is, if we want to move it through, see if there's agreement and then address it at that time.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank -- thank you, Madam President. I rise in support of this legislation. You know, we're not giving anyone any additional weight. It's just that we're going to give the eight -- eighty-thousand-pound trucks the same variance we do with the seventy-three thousand or others. You know, the large -- the heavier the truck is, the more inaccurate the portable scales are. They've been almost a disaster. I've had areas in -- in my area where they have fined truckers up to fifteen, eighteen hundred dollars. Talk them into going to platform scales and they wouldn't be overweight at all. So this gives them -- just gives them the same variance it does on the others. I think it's something we should do and I -- I'd support the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Fawell.

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SENATOR FAWELL:

Thank you very much. I, too, rise in support of this bill. There has been a number of cases where, because of the handling of the portable scales, they have found to -- to be inaccurate. And what we are talking about, literally, is -- is thousands of dollars and a lot of time being taken up by the -- by the drivers and by the companies. It seems to me that, when you're talking eighty thousand pounds, this variance is so small that we ought to do it, and I think that if there are any problems we can work them out in the House and I strongly suggest we -- we vote Aye.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR PARKER:

I would ask -- just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 775 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 53 Ayes, 4 Nays, 1 voting Present. Senate Bill 775, having received the required constitutional majority, is declared passed. Senator Severns, on Senate Bill 787. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 787.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President. This -- an amendment to this bill is going to Judiciary this afternoon and I'd seek leave to get



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back to the bill after Judiciary meets.

PRESIDING OFFICER: (SENATOR DONAHUE)

...not sure we can promise you we'll get back to it this afternoon, Senator Severns. Senator Severns.

SENATOR SEVERNS:

We -- we were just told that they were. Now apparently, from what Senator Hawkinson says, they are not. Does anybody know which...

PRESIDING OFFICER: (SENATOR DONAHUE)

We will be in tomorrow, Senator Severns. Out of the record. Senator Butler, on -- Senator Maitland, on Senate Bill 808. Excuse me. Senator Demuzio, for what purpose do you see recognition?

SENATOR DEMUZIO:

I -- I just want to ask the Chair what the schedule is for the remainder of the day. We were just told in the Rules Committee that the committees would be meeting this afternoon - Commerce and Industry, and the Elections Committee, and the Judiciary Committee. I assume that those three committees will, in fact, be meeting then at 4 o'clock. Is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President. It would be the intention of the Chair, when we get to where we started today, to go to page 2, Senate Bills 2nd Reading, give everybody one more shot at them. Because if you don't move them today, my guess is, we're -- may not get back to them. And then, go to the Supplemental Calendar and call it quits. And if we get some work done tomorrow -- we start early and get some things done, we have a good opportunity of not being here on Friday.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

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SENATOR DEMUZIO:

Well, I'm glad to have that -- that assurance, and that announcement. My question again is, is that we were represented a few minutes ago in the Rules Committee that -- that three amendments or four amendments that were approved were being referred to Commerce and Industry Committee, Insurance and Pensions, Judiciary, and the Government and Elections Committee. Are those committees still planning on meeting this afternoon at the hour of 4 o'clock?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip.

SENATOR PHILIP:

Yeah. Thank you. It -- it would be our opinion that we ought to keep the Senate at ease and will -- anything that is done this afternoon later will be read in the record, so it'll be ready for tomorrow.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

Are you telling me that all four of those committees are going to meet this afternoon?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip.

SENATOR PHILIP:

Senator Demuzio, it's up to the Chairman. Go talk to the Chairman. Be my guest.

PRESIDING OFFICER: (SENATOR DONAHUE)

Committee Reports.

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 Commerce and Industry -

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Senate Amendment 3 to Senate Bill 768; to the Committee on Insurance, Pensions and Licensed Activities - Senate Amendment 6 to Senate Bill 100, and Senate Amendment 3 to Senate Bill 287; to the Committee on Judiciary - Senate Amendment 2 to Senate Bill 787; and to the Committee on Local Government and Elections - Senate Amendments 3 and 4 to Senate Bill 124.

PRESIDING OFFICER: (SENATOR DONAHUE)

Intent of the Chair is now to proceed to the Order of 2nd Reading, and I strongly urge each of you to call your bills -- move your bills to 3rd Reading. Depending on the workload, the Senate may conclude its business by tomorrow. Therefore, it is necessary that these bills be moved today. So, on page 2 of the Calendar, on the Order of 2nd Reading, is Senator Trotter on -- Senator Dudycz, on Senate Bill 247. Senator Weaver, on Senate Bill 287. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 287.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DONAHUE)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senators Severns, Demuzio and Carroll.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver.

SENATOR WEAVER:

I would move to table amendment -- Floor Amendment No. 1.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver moves to table Floor Amendment No. 1 to Senate Bill 287. All those in favor, say Aye. Opposed, Nay. The Ayes

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have it. The amendment is tabled. Any further amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2 offered by Senators Severns, Demuzio and Carroll.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

I had a question on the last amendment. The -- this amendment here I -- I am not quarreling with. I -- I had some comments with respect to the first amendment, however. Now, I know there's another amendment being heard in committee this afternoon, which, of course, is Senator Weaver's. And, Senator Weaver, I -- I don't have any objection to what you are doing in -- in committee this afternoon, with the way in which you are going to reconstruct the board. I have some quarrel, however, with tabling Amendment No. 1, which is, in fact, the appropriations process that -- that we need to subject them to, like we do the rest of the -- the pension systems. That's the quarrel that I have, and my light was on.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver.

SENATOR WEAVER:

Thank you, Madam President. Senator Demuzio, I think we can find other ways in which to implement what Committee <sic> Amendment No. 1 would have done.

PRESIDING OFFICER: (SENATOR DONAHUE)

Have there been -- are there any other further Floor amendments approved for consideration? Senator Demuzio.

SENATOR DEMUZIO:

Well, Senator Weaver, let me ask you, I mean, with respect to the manner and form of the Amendment No. 2 that -- Amendment No. 1 that was tabled, with respect to the appropriations process.

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Can we work cooperatively together during the Session and -- and -- and move them into the same posture as the rest of the pension systems? And if -- and if so, and if you have that commitment, let's move.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver.

SENATOR WEAVER:

I would have no objection working with you to try to find -- to find ways of appropriating the operating monies.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio, what's your pleasure on Amendment No. 2? What is your pleasure on Amendment No. 2?

SENATOR DEMUZIO:

What is my pleasure on Amendment No. 2? Well, I suspect I don't have any choice, but -- 'cause that was not the amendment I was concerned about, but I'll take your word for it and -- and we can proceed.

PRESIDING OFFICER: (SENATOR DONAHUE)

Do you want to -- Senator Demuzio moves to table Amendment No. -- Senator Weaver.

SENATOR WEAVER:

I would move to table Floor Amendment No. 2.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver moves to table Floor Amendment No. 2 to Senate Bill 287. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is tabled. Are there any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Walsh. Senator Sieben. Senator Cullerton, on Senate Bill 438. Senator Cullerton? Senator Raica,

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on Senate Bill 520. Senator Maitland, on Senate Bill 656. Senator Thomas Dunn, on Senate Bill 664. Senator Lauzen, on Senate Bill 725. Senator Lauzen. Senator Raica, on Senate Bill 742. Senator Lauzen, on Senate Bill 798. Senator Petka, on Senate Bill 945. Senator Mahar, on Senate Bill 1058. Senator Cullerton, on 1183. With leave of the Body, we'll return to the -- Senate Bill 711. Senator Dillard has asked leave of the Body to have Senator Weaver move Senate Bill 711. Senator Weaver. Out of the record. Senator Weaver asks leave of the Body to return to Senate Bill 711, to handle that bill for Senator Dillard. Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 711.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Hawkinson, what purpose do you seek recognition?

SENATOR HAWKINSON:

Thank you, Madam President. Purposes of an announcement.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your announcement.

SENATOR HAWKINSON:

The Senate Judiciary Committee will meet at 8:30 a.m. tomorrow morning, in Room 400.

PRESIDING OFFICER: (SENATOR DONAHUE)

There has been a Supplemental Calendar No. 1 that has been distributed. On the Order of Supplemental Calendar No. 1 is Senate Bill 925. Senator Philip. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 925.

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(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Butler, on Senate Bill 926. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 926.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator DeAngelis, on Senate Bill 1056. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1056.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator DeAngelis, on Senate Bill 1057. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1057.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Resolutions.

SECRETARY HARRY:

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Senate Resolutions 63 and 64, both offered by Senator Demuzio. They're both death resolutions, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Consent Calendar. ...(microphone cutoff)...Bills 1st Reading.

SECRETARY HARRY:

House Bill 649, offered by Senator Parker.

(Secretary reads title of bill)

House Bill 838, by Senator Cronin.

(Secretary reads title of bill)

House Bill 935, by Senator Peterson.

(Secretary reads title of bill)

Senator Woodyard offers House Bill 1093.

(Secretary reads title of bill)

House Bill 1172, presented by Senator O'Malley.

(Secretary reads title of bill)

House Bill 1424, Senator Clayborne.

(Secretary reads title of bill)

House Bill 1587 is offered by Senator Fawell.

(Secretary reads title of bill)

Senator Raica offers House Bill 1706.

(Secretary reads title of bill)

House Bill 2330, Senator Parker.

(Secretary reads title of bill)

And House Bill 2452, by Senator Raica.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Woodyard, for what purpose do you rise?

SENATOR WOODYARD:

For the purpose of an announcement.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your announcement.



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SENATOR WOODYARD:

Madam President and Members of the Senate, I've been asked to announce a reception this evening, and I don't think most of you got invitations to this, by the Conservation Resource Managers, at the State Library, from 5:30 to 7:30 this evening. Sounds like they're going to have good food - Venison kabobs and smoked lake trout and hors d'oeuvres. So, you're all invited to the State Library from 5:30 to 7:30.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan, for what purpose do you rise?

SENATOR MADIGAN:

Thank you, Madam President. Purpose of an announcement. The Senate Insurance, Pensions and Licensed Activities will meet at 4:30, in Room 400, to consider some amendments. Shouldn't take very long, and I'd ask my members to show up at 4:30 and we can be out of there in pretty short order. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Raica, for what purpose do you rise?

SENATOR RAICA:

Thank you, Madam President. The Committee on Public Health and Welfare will meet at 4:30, in Room 212 - not A-1 - 212 at 4:30. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm, for what purpose do you rise?

SENATOR KLEMM:

Just an announcement. To add any confusion, Local Government and Elections will not be meeting and -- nor is it scheduled.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further business? We have virtually completed our business. We will remain open to be able to receive committee reports, but for all practical purposes our business is done. So the Senate will reconvene at 9 a.m. - 9 a.m. - on Thursday, May

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4th. And we're in Recess.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

SECRETARY HARRY:

...(microphone cutoff)...will reconvene in Perfunctory Session. On the Order of Committee Reports.

Senator Raica, Chair of the Committee on Public Health and Welfare, reports Senate Amendment 2 to Senate Bill 618 Be Adopted.

Senator Madigan, Chair of the Committee on Insurance, Pensions and Licensed Activities, reports Senate Amendment 6 to Senate Bill 100, Amendment 3 to Senate Bill 287, and Amendment 2 to Senate Bill 532, all Be Adopted.

And Senator Butler, Chair of the Committee on Commerce and Industry, reports Senate Amendment 3 to Senate Bill 768 Be Adopted.

On the Order of Messages from the House.

A Message from the House by Mr. McLennand, Clerk.

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

Senate Bill 923, with House Amendment 3.

Passed the House, May 3rd, 1995.

Another Message.

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:

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House Bills 803, 809, 1016, 1018, 1083 and 1509.

All passed the House, May 3rd, 1995.

Pursuant to the order of the Chair, the Senate will stand adjourned until 9 o'clock tomorrow morning, in regular Session.

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