

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

52nd Legislative Day

May 18, 1995

PRESIDING OFFICER: (SENATOR DONAHUE)

The Senate will come to order. Will the Members please be at their seats, and will the -- our guests in the gallery please rise. The prayer today will be by Jamie Allen, from Ashland, Illinois, and the Church of Christ. Please rise.

THE REVEREND JAMIE ALLEN:

(Prayer by the Reverend Jamie Allen)

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you join with me for the saying of the Pledge of Allegiance.

(Pledge of Allegiance, led by Senator Donahue)

PRESIDING OFFICER: (SENATOR DONAHUE)

Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Madam President, I move that reading and approval of the Journals of Monday, May 15th; Tuesday, May 16th; Wednesday, May 17th, in the year 1995, be postponed, pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler moves to postpone the reading and the approval of the Journal, pending arrival of the printed transcripts. There being no objection, it's so ordered. Messages from the House.

SECRETARY HARRY:

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 176, together with the following amendment, which is attached in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment No. 3 <sic> (1).

We have like Messages on the following bills: Senate

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Bill 365, with House Amendment 3; Senate Bill 623 with House Amendment 1; Senate Bill 717 with House Amendment 1; Senate Bill 760 with House Amendments 1 and 2; Senate Bill 831 with House Amendment 1; Senate Bill 948 with House Amendment 1; Senate Bill 978 with House Amendment 1; Senate Bill 1005 with House Amendment 1; Senate Bill 1037 with House Amendment 1; Senate Bill 1095 with House Amendments 1 and 2; Senate Bill 1111 with House Amendment 1 and Senate Bill 1140 with House Amendments 1, 2 and 3.

All passed the House, as amended, May 17th, 1995.

PRESIDING OFFICER: (SENATOR DONAHUE)

Resolutions.

SECRETARY HARRY:

Senate Resolution 72, offered by Senator Shaw and all Members. It's a death resolution, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Consent Calendar. Illinois Public Radio requests permission to record proceedings. Is leave granted? Leave is granted. Committee Reports.

SECRETARY HARRY:

Senator Woodyard, Chair of the Committee on Agriculture and Conservation, reports Senate Bill 43 - the motion to concur with House Amendment 1 Be Adopted; Senate Bill 448 - the motion to concur with House Amendment 1 Be Adopted.

Senator Madigan, Chair of the Committee on Insurance, Pensions and Licensed Activities, reports Senate Bill 225 - the motion to concur with House Amendments 1 and 2 Be Adopted; Senate Bill 442 - the motion to concur with House Amendment 1 Be Adopted; Senate Bill 534 - the motion to concur with House Amendment 1 Be Adopted and Senate Amendment No. -- Amendments 2 and 3 to House Bill 2108 Be Adopted.

Senator Karpel, Chair of the Committee on Executive, reports Senate Amendment 1 to House Bill 1270 Be Adopted, and Senate

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Amendment 2 to House Bill 2407 Be Adopted.

Senator Sieben, Chair of the Committee on State Government Operations, reports Senate Amendment 2 to House Bill 823, Be Approved for Consideration.

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Amendment 1 to House Bill 36 Be Adopted; and Amendment 1 to House Bill 1116 Be Adopted.

Senator Klemm, Chair of the Committee on Local Government and Elections, reports Senate Bill 256 - the motion to concur with House Amendments 1 and 4 Be Adopted; Senate Amendment 2 to House Bill 270 Be Adopted; and Amendment 1 to House Bill 340 Be Adopted.

Senator Cronin, Chair of the Committee on Education, reports Senate Amendments 4 and 5 to House Bill 2076 Be Adopted.

And Senator Fawell, Chair of the Committee on Transportation, reports Senate Bill 122 - the motion to concur with House Amendment 1 Be Adopted, Senate Amendment 1 to House Bill 939 Be Adopted, Amendment 1 to House Bill 1587 Be Adopted, and Amendment 1 to House Bill 1633 Be Adopted.

PRESIDING OFFICER: (SENATOR DONAHUE)

At the middle of page 11, is House Bills 2nd Reading. We will go through the Calendar, and I would suggest that each of you move those bills. Senator Butler, on House Bill 32. Senator Lauzen, on House Bill 182. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 182.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Fitzgerald, on House Bill 241. Senator Fitzgerald. Senator DeAngelis, on House Bill 375. Read the bill, Mr. Secretary.

SECRETARY HARRY:

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House Bill 375.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted Amendments 1, 2, 3 and 4.

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. I will go back to House Bill 330. Senator Watson, on House Bill 330. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 330.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Parker, on House Bill 377. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 377.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Financial Institutions adopted Amendments 1, 2, 3, 4, 5 and 6.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Maitland, on House Bill 385? Senator Maitland. Senator Woodyard, on House Bill 412. Read the bill,

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Mr. Secretary.

SECRETARY HARRY:

House Bill 412.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Environment and Energy 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. Senator Cronin, on House Bill 473. Senator Cronin? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 473.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator DeAngelis, on House Bill 527. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 527.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator DeAngelis, on House Bill 686. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 686.

(Secretary reads title of bill)

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

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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. Senator Maitland, on House Bill 820. Senator Maitland. Senator Woodyard, on House Bill 823. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 823.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on State Government Operations adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR DONAHUE)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported. I beg your pardon, Madam President. Amendment No. 2, offered by Senator Woodyard.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Woodyard, on Amendment No. 2.

SENATOR WOODYARD:

Thank you, Madam President, Members of the Senate. The underlying bill originally dealt with the Kickstart Program, which did not make it out of committee. The amendment totally wiped out -- or -- or deleted that language and becomes only a very noncontroversial land transfer of two parcels of land; one in Senator Watson's district, and one in Senator Weaver's district. And I'd move for its adoption.

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Is there any discussion on Amendment No. 2? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it. And the amendment is adopted. Have there been any other Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator O'Malley, on House Bill 865? Out of the record. Senator Dudycz, on House Bill 913? Page 12. Read the -- out of the record. Senator Woodyard, on House Bill 965. Out of the record. Senator Cronin, on House Bill 999. Senator Cronin? Read the bill Mr. Secretary.

SECRETARY HARRY:

House Bill 999.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Mahar, on House Bill 1089. Senator Weaver, on House Bill 1106. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1106.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Raica, on House Bill 1108. Out of the record. Senator Hawkinson, on 1149. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1149.

(Secretary reads title of bill)

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

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3rd Reading. Senator Petka, on 1237. Senator Petka, for what purpose do you rise?

SENATOR PETKA:

I'm wondering about the adoption of -- of a Floor amendment.

PRESIDING OFFICER: (SENATOR DONAHUE)

We will do that. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1237.

(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 Senator Petka.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka, on Amendment No. 1.

SENATOR PETKA:

This amendment merely tightens up the bill, pursuant to certain suggestions made during discussion on the legislation. I would move for its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none. All those in favor, say Aye. Opposed, Nay. The Ayes have it. And the amendment is adopted. Have there been any other Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Butler, on House Bill 1270. Senator Butler, on House Bill 1220 <sic>. Senator Rauschenberger, on 1279. Senator Rauschenberger, on 1279. Read the bill, Mr.



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Secretary.

SECRETARY HARRY:

House Bill 1279.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Have there -- 3rd Reading. Senator Lauzen, on House Bill 1303. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1303.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Weaver, on House Bill 1319. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1319.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Petka, on House Bill 1437. Senator Mahar, on House Bill 1461. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1461.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator O'Malley, on House Bill 1465. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1465.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Weaver, on House Bill 1473. Senator Weaver, on 1474. Senator Lauzen, on 1523. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1523.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue 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.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senate Bill -- I mean House Bill 1596. Senator Walsh. Mr. Secretary, will you read the bill.

SECRETARY HARRY:

House Bill 1596.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. House Bill 1608. Senator Dillard. Take in out of the record. House Bill 1654. Senator Petka. House Bill 1654, Senator Petka? Senator Petka. Take it out of the record. House Bill 1787. Senator Walsh. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1787.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. House Bill 1833. Senator Parker. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1833.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. House Bill 1853. Senator Dillard. Take it out of the record. House Bill 1869. Senator Syverson. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1869.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Are there any Floor amendments?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. House Bill 1882. Senator Walsh. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1882.

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(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. House Bill 1894. Senator Syverson. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1894.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. House Bill 1900. Senator Philip. House Bill 1900. Senator Philip. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1900.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. House Bill 1967. Senator Maitland. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1967.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health and Welfare adopted Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Are there Floor amendments approved for consideration?

SECRETARY HARRY:

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No further amendments reported.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I'd like a point of personal privilege in regard to the schedule.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your point.

SENATOR PHILIP:

If everybody will calm down for a minute, I will -- my conversation with the Minority Leader, we have come to this conclusion; that today, if we move things along, we're going to work probably a little later than we normally would work. Friday, we will come in early, and probably work till 4 o'clock in the afternoon; adjourn and come back Sunday at 5, so we can transact -- have some transactions and do some paperwork that, as you know, the House is going to be in for the full weekend. So at least it'll afford you a couple of days at home with your family.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jones, for what purpose do you rise?

SENATOR JONES:

Yeah, thank you, Mr. President. I concur with the Senate President. Only thing I would admonish the Members on that side of the aisle to quit talking so much, because we want to keep the Chicago Bulls -- the Chicago Bulls, we don't want Senator Philip to take the Chicago Bulls, so we can be there to cheer them on to victory.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you, Senator Jones. House Bill 1969. Senator Madigan. Senator Madigan. Mr. Secretary, read the bill.

SECRETARY HARRY:

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House Bill 1969.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. House Bill 2076. Senator Sieben. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2076.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 4, offered by Senator Sieben.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Sieben, on Amendment No. 4.

SENATOR SIEBEN:

Thank you, Madam President. Amendment No. 4 merely adds the contents of Senate Bills 164, 165 and 292 that got hung up in committees over in the House, and -- and there was no objection to adding these into the bills in the Senate Education Committee this morning. And I would move for their adoption.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Sieben. Is there any discussion on Senator Sieben's

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Amendment No. 4? Hearing none. Those in favor will say Aye. Those opposed will say Nay. In the opinion of the Chair, the Ayes have it. The amendment's adopted. Senator Sieben. Are there any further Floor amendments?

SECRETARY HARRY:

Amendment No. 5, offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Sieben is going to handle this amendment for Senator DeAngelis. Proceed, Senator Sieben.

SENATOR SIEBEN:

Thank you, Madam President. Senator DeAngelis did ask if I would handle this so we could move the bill forward. Senate Amendment No. 5 does a similar thing that No. 4 -- this one adds the contents of Senate Bills 657 and 658, sponsored by Senator DeAngelis. And both of these bills passed out of the Senate unanimously and ended up being held in the House Rules Committee. So I would move for the adoption of Floor Amendment No. 5.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Is there any discussion? Hearing none, Senator Sieben moves the adoption of Amendment No. 5 to House Bill 2076. Those in favor will say Aye. Those opposed will say Nay. In the opinion of the Chair, the Ayes have it. The amendment's adopted. Are there any further amendments?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate -- House Bill 2108. Senator Madigan. Senator Madigan? Read the bill, Mr. Secretary. No? Out of the record. House Bill 2226. Senator Cronin. Out of the -- read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2226.

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(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Are there any -- any further -- any Floor amendments adopted -- approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. House Bill 2240. Senator Madigan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2240.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Are there any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. House Bill 2251. Senator DeAngelis. Take it out of the record. House Bill 2294. Senator Mahar. Out of the record. House Bill 2330. Senator Parker. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2330.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health and Welfare adopted Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Have there been any Floor amendments approved for



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consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. House Bill 2346. Senator Walsh. Senator Walsh?  
Read the bill, Mr. Secretary. 2346.

SECRETARY HARRY:

House Bill 2346.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. House Bill 2351. Senator Rauschenberger.  
Senator Rauschenberger? Take it out of the record. House Bill  
2370. Senator Barkhausen. Read the bill, Mr....

SECRETARY HARRY:

House Bill 2370.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. House Bill 2403. Senator Rauschenberger.  
Senator Rauschenberger? Take it out of the record. House Bill  
2465. Senator Watson. We'll get back to you. House Bill 2465.  
Senator Watson. Read the -- read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2465.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. With leave of the -- the Body, we'd like to go back to -- to House Bill 2351. Senator Rauschenberger. 2351. Hearing no objection, Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 2351.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. House Bill 2403. Senator Rauschenberger. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2403.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. House Bill 241. Senator Fitzgerald. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 241.

(Secretary reads title of bill)

2nd Reading of the bill. There are no committee amendments.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any Floor amendments approved for consideration?

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Amendment No. 1, offered by Senator Fitzgerald.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Madam President. Floor Amendment No. 1 to House Bill 241 is simply a technical amendment that addresses some concerns raised by the Department of Public Aid.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Hearing none. All those in favor, say Aye, to the adoption of this amendment. All opposed, No. In the opinion of the Chair, the Ayes have it. The amendment is adopted. Any -- any further amendment is approved -- Floor amendments?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. House Bill 913. Senator Dudycz. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 913.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. House Bill 385. Senator Maitland. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 385.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Are there any Floor amendments approved for consideration?

SECRETARY HARRY:

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No further amendments reported.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. ...(microphone cutoff)...to proceed to the Order of 3rd Reading on page 5 of the Calendar. House Bill 3. Senator Fawell, do you wish this bill returned to 2nd Reading for the purpose of amendment? Senator Fawell seeks leave of the Body to return House Bill 3 to 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 3. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 7, offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President and Members of the Senate. Floor Amendment No. 7 amends Amendment No. 5 pursuant to an agreement removing some language, insofar as the Amendment No. 5 exempted Board and Care Homes from the Nursing Home Care Act. Amendment No. 7 deletes that language. I would move for its adoption.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan moves for -- any discussion? Hearing none. Senator Madigan moves the adoption of Amendment No. 7. All those in favor, say Aye. All opposed, Nay. In the opinion of the Chair, the Ayes have it. The amendment's adopted. Any further amendments from the Floor?

ACTING SECRETARY HAWKER:

No further amendments approved for consideration.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. House Bill No. 5. Senator Garcia -- I mean, Senator Shadid. House Bill No. 5. Read the bill, Madam Secretary.

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ACTING SECRETARY HAWKER:

House Bill 5.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Shadid.

SENATOR SHADID:

Yes. Thank you, Madam President and fellow Members. This House Bill 5 permits the Department of Public Aid to conduct an early fraud prevention and detection program in counties designated by DPA and to make the program applicable to all categories of assistance and all applicants for assistance. This is similar to Senate Bill 700, which we passed unanimously earlier in the Session.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

This is an important bill. We'd like to have the courtesy of all the Members listening to its presentation. Is there any discussion? Is there any discussion? Hearing none, Senator Shadid, to close.

SENATOR SHADID:

I would just appreciate a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 5 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? On that question, take the roll, Madam Secretary. There are 58 voting Aye, none voting No, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. House Bill 16. Senator Cronin. Madam Secretary, will you read the bill.

ACTING SECRETARY HAWKER:

House Bill 16.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President. House Bill 16 is a bill that amends the Criminal Code and Code of Criminal Procedure to remove the requirement that the State must prove venue beyond a reasonable doubt. If the defendant challenges venue, the defense must take a prima facie case that the venue is improper, after which the State must prove by a preponderance that it is proper. We debated this at length in the committee. It passed out of the House by a hundred and fourteen to -- to no votes -- to zero voting No. I ask for you favorable consideration.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. I would just indicate that we did have an extensive debate in committee and there's a real question as to whether or not what we're doing here is going to be approved by the Supreme Court. There's no question that the debate is whether or not venue is a substantive or a procedural right. It is found in the Constitution. I, myself, think that there could be some -- some serious problems created by passing the legislation. If the Supreme Court doesn't agree with this provision we're going to be spending money on lawyers to take it to the Supreme Court. And I don't know if, really, we are accomplishing anything. So I -- I just wanted to express my concerns about the legislation. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Berman.

SENATOR BERMAN:

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Question of the sponsor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he'll yield.

SENATOR BERMAN:

Under this bill, if -- if you committed a crime in DuPage, could the State's Attorney of Sangamon County prosecute you?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cronin.

SENATOR CRONIN:

The issue shifts to the defendant to raise venue as an issue. So if the defendant doesn't object, then that may be possible.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman.

SENATOR BERMAN:

Thank you. And maybe -- you know, maybe I'm stretching, but it just seems to me that with this change we might be opening the door to non -- nonlocal prosecutions for certain either types of people or certain types of crime. And I -- there's nothing in here that would -- that would prevent that, as I understand it. I'd just like you to address that. That -- that causes me some concern, because I think that there may be some -- if -- if the State's attorneys got together, would they think that this is a -- a green light to do that, under my hypothetical, make you come down here to defend you where right now it would be a -- have to be locally prosecuted. I -- I'd appreciate your thoughts on it.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cronin.

SENATOR CRONIN:

Thank you. In response to Senator Berman, there's a -- there's a fine delineation here. Venue is still a constitutional right of the defendant. All we're suggesting in this bill is that when the State presents its case, it doesn't have to prove venue,

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it doesn't have to - as an element of the crime procedurally. But, nonetheless, the defendant's right, for purposes of venue, is still unchallenged by this bill. There has been discrepancy in the case law and it is a rather legitimate issue that has been debated among justices on the Supreme Court and case law over the years is culminated that -- that, yeah, the State's obligation to prove at trial that the county where the crime is alleged to have committed, is the county where the crime, in fact, took place. But there has been extensive dicta on the point arguing that venue is a non-jurisdictional procedural right, a personal privilege that an accused may waive.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Berman. Senator Fawell.

SENATOR FAWELL:

Thank you. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will.

SENATOR FAWELL:

Why are we doing this? I mean, if -- if there's been all this case law and -- that -- that has held otherwise, do we really -- why are we doing this? 'Cause I'm going to be asked by my son.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cronin, will you respond?

SENATOR CRONIN:

I think, ultimately, it's going to force the court to answer whether or not the issue hinges on a procedural or constitutional right. And, here, let me state, unequivocally, that there is no effort to challenge the constitutional right of a defendant to be prosecuted in the proper venue. The venue of the -- of the crime, where the crime occurred. The question is, whether or not the -- the prosecutor is obligated, within the context of the procedures at trial, to -- to -- whether it's his obligation - the



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prosecutor's burden to point out each and every time that this or that element occurred in some particular venue. If the defendant raises it, then the prosecutor's got to do it. Currently, the prosecutor's got to do it. We're just shifting the -- the burden onto the defendant now. It's like a...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell. Senator Fawell? Senator Fawell? Any further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Indicates that he will.

SENATOR MOLARO:

What -- what is the overlying -- reasoning behind this? What is the genesis of this bill as to why something so easily done in 99.9 percent of the cases, where a prosecutor just get up there, and this occurred in DuPage County, Cook County. Get rid of the constitutional requirement - make it so easy - why -- why are we changing this after two hundred years? I mean, I -- I -- what would be the main reason?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cronin.

SENATOR CRONIN:

Well, first of all, I don't know whether or not this has been a -- an issue that has persisted for two hundred years. But, this is our effort to try to offer some improvement in the criminal justice system. I -- Cook County prosecutors are interested in it, as well are other county prosecutors throughout the State and we're just seeking to offer a little different approach to the execution of justice in the State of Illinois.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Molaro.

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SENATOR MOLARO:

Just briefly then to the bill: You know, obviously, these State's attorneys call up a lot of Senators. You know, they just get a thought in their head and they throw it at us and decide whether or not we want -- we want to vote on this. Please be aware, this is not a tough on crime issue. This isn't going to make getting criminals off the street any easier, imposing stiffer penalties or and every -- this is a procedural thing. We been -- having to prove -- prove venue -- it's part of the Illinois Constitution. This is not tough on crime. This is just something that doesn't need to be changed and I would urge a No vote. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Senator Cronin, to close.

SENATOR CRONIN:

We've debated the issue pretty thoroughly. It's not the most important issue in the world, but it is an issue that deserves to be considered as Illinois law. I ask for your favorable consideration. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 16 pass. Those in favor will vote Aye. Those opposed will vote Nay. The open -- the voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Madam Secretary. On that question, there are 37 voting Aye, 16 voting Nay, 3 voting Present. This bill, having received the required constitutional majority, is hereby declared passed. House Bill 40. Senator Dunn. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 40.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dunn. Thomas Dunn.

SENATOR T. DUNN:

Thank you, Madam President. This bill would provide that in a post conviction proceeding, before a crime victim could be subpoenaed by the defendant, the defendant would first have to file a petition to the Court and give notice to the victim. The -- the victim would then be authorized to appear and to object to the subpoena and to be represented by the State's attorney. This is at the request of Representative Novak, resulting in a case that occurred in both our districts. Happy to answer any questions if you have any on the issue.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, the question is, shall House Bill 40 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Madam Secretary, take the roll. On that question, there are 57 voting Aye, none voting No, none voting Present. And this bill, having received the required constitution -- constitutional majority, is hereby declared passed. Senator Clayborne, for what purpose do you arise, sir?

SENATOR CLAYBORNE:

Yes, Madam President. I rise for two reasons. One -- and I was courteous enough not to interrupt -- on House Bill 5, my button didn't work properly, and I missed that, and I would have voted Yes on -- on House Bill 5. As well as, in the gallery behind me I have a group of -- from my district -- from the group of Jack and Jill, and I would ask that the -- the Senate give them a warm welcome.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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Will the guests please rise in the balcony, and welcome to Springfield. And your comments will be noted on House Bill 5. House Bill 41. Senator Mahar, do you wish to return this bill to 2nd Reading, for the purpose of amendment? Senator Mahar seeks leave of the Body to return House Bill 41 to 2nd Reading, for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 41. Mr. -- Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Mahar.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President and Members of the Senate. This is a very simple amendment. It decreases the membership on the Illinois Commerce Commission from seven commissioners to five commissioners.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any -- any discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Indicates he'll yield.

SENATOR WELCH:

Senator Mahar, this is going to save very few dollars, since there's also the rumor that the remaining five members are going to have to resign so they can get a pay raise, which is going to absorb most of the money saved by eliminating two commissioners. There's also going to be a large lump-sum payout to the commissioners leaving. So what is the purpose of doing this?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President. We estimate that the reduction, not only in the commissioners, but their full-time assistants, there'll be a savings realized the State of four hundred and twenty-six thousand dollars, two hundred and sixty-six thousand five hundred in public utility fund revenue, as well as a hundred fifty-nine thousand nine hundred in GRF revenue.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Welch.

SENATOR WELCH:

Well, half of that is the -- is the puff fund, which is an incremental increase in -- in the utility rate. But how much is the pay raise going to be? And how much increases are there going to be to pay for the payout on the retiring commissioners?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Mahar.

SENATOR MAHAR:

Well, I -- to be honest with you, I don't have the pay raise. We don't have what that would entail, 'cause that actually is not in the -- in the bill itself. It is -- is a result of the bill. As far as the -- I'm not aware of this lump sum payout. We have one commissioner who has -- whose term has expired and has indicated they do not wish to be reappointed or considered for a reappointment and the other commissioner, I don't think we know who that -- that other commissioner will be. At least, I have not been told that. That's about as much as I -- I know on that.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Welch.

SENATOR WELCH:

Well, New York and California also have seven-member commerce commissions. I don't understand why we want to reduce from seven

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to five here. There's going to be a minimal, if any, savings. The example used that we're going to eliminate staff presupposes that we have too many staffers on the Commerce Commission, when the utility companies seeking to be regulated or who have to be regulated all are saying there's not enough commissioners. There's not enough staff to handle the workload. So it seems to me this is going to be a false economy. So it seems to me that the real purpose behind this, is to change the control of the Illinois Commerce Commission. By reducing it to five members from seven members, it's easier to control it, politically. It's easier to put the people on there that you want - that are going to vote in your way, and that's what the Governor is doing. I -- I know this bill was handed to you, Senator Mahar, from the Governor's Office. And I know the reason he's doing this. This is an attempt to predetermine decisions by the Commerce Commission by eliminating three of the seven members, putting on the fifth member who is going to vote the way the Governor wants on utility regulatory issues, with the larger utilities and it's an anticonsumer move. So it seems to me that we should vote down this amendment at this time.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Mahar, to close.

SENATOR MAHAR:

Well, thank you, Madam President. One point that I think I would make, as far as the workload of the -- of the commission, and maybe one reason, in addition to the savings that we're going to realize, is that the federal government -- the Congress of the United States, last year, I believe, took away our authority to regulate the trucking industry. So that's -- that's part of the workload that they, the Commerce Commission, will no longer have to -- to do. I think the savings and downsizing and streamlining, this is the right direction to go. And I would move for the

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adoption of Floor Amendment No. 2 to House Bill 41.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Voting is open. All those in favor of the amendment, signify by voting Aye. All opposed. In the opinion of the Chair, the Ayes have it. Roll call is requested on Amendment No. 2 in House Bill 41. Madam Secretary. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 voting Aye, 29 voting Nay. And this amendment, not having received the majority vote, is declared lost. Senator Walsh. Senator Mahar.

SENATOR MAHAR:

I'd like to request that we verify the negatives.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

There is a request for a verified vote. Will all Senators be in their seats. The Secretary will read the affirmative votes. Are you requesting the negative votes, Senator Mahar? Please read the negative votes.

ACTING SECRETARY HAWKER:

The following Members voted in the negative: Berman, Bowles, Carroll, Clayborne, Collins, Cronin, Cullerton, DeLeo, del Valle, Demuzio, Thomas Dunn, Farley, Fitzgerald, Garcia, Hawkinson, Hendon, Jones, Lauzen, Molaro, O'Daniel, Palmer, Rea, Severns, Shadid, Shaw, Smith, Trotter, Viverito and Welch.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Does Senator Mahar question the presence of any Member voting in the negative?

SENATOR MAHAR:

Senator Fitzgerald.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fitzgerald. Is -- is Senator Fitzgerald in the room? Senator Fitzgerald. Strike his name from the negative.

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SENATOR MAHAR:

No. No. Senator Cronin.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cronin? Senator Cronin? Is Senator Cronin in the room? Strike his name from the negative.

SENATOR MAHAR:

Senator Hendon.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hendon? He's in...

SENATOR MAHAR:

Senator Molaro.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Molaro? Senator Molaro? He's in the back of the room.

SENATOR MAHAR:

Senator Farley.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker?

SENATOR MAHAR:

Farley.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

I'm sorry. Senator Farley. Senator Farley? Senator Farley? Strike his name from the negative.

SENATOR MAHAR:

No further questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

On a verified roll call, the Ayes are 29 -- well, let me just read it please. On a verified roll call, the Ayes are 29, the Nays are 26. Senator Welch, for what purpose do you rise?

SENATOR WELCH:

I would request a verification of the affirmative vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)



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The request is in order. Madam Secretary. We will take verification of the affirmative votes.

ACTING SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Mr. Welch, do...

SENATOR WELCH:

Senator...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Do you question any of the affirmative votes?

SENATOR WELCH:

Yes. Senator Barkhausen.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Barkhausen? Senator Barkhausen in the room? Where? Senator Barkhausen in the room? Strike his name. Senator Welch, who else?

SENATOR WELCH:

Senator Dillard.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dillard. Senator Dillard in the room? Strike his name.

SENATOR WELCH:

Senator Madigan.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan? Senator Madigan in the room? He's right in the back sir, on your side of the fence.

SENATOR WELCH:

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Senator Hasara.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hasara is sitting in her seat.

SENATOR WELCH:

Senator Klemm.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Klemm is right back there.

SENATOR WELCH:

Senator O'Malley.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley. Senator O'Malley in the room? Senator O'Malley in the room? Strike his name.

SENATOR WELCH:

That's it, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The -- on a verified roll call, the Ayes are 26, the Nays are 26. And this -- those voting Present are none, and the amendment fails, not having received the vote. Any further Floor amendments?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senator Walsh for what purpose do you rise sir?

SENATOR WALSH:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your point.

SENATOR WALSH:

I would like to introduce the good looking group of students that's in the President's Gallery on the Democratic side. They are the student council representatives from my alma mater, Ogden School, along with their teachers, Ms. Sauer, Mrs. Monti and Mrs.

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Haskell. Welcome to Springfield. Please stand up.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Please rise in the gallery. We welcome you here to the Senate. House Bill 90. Senator Karpziel. Senator Karpziel here? Senator Karpziel, House Bill 90? Out of the record. House Bill 113. Senator Hawkinson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 113.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. This creates a new hazing law in the State of Illinois, replacing the former law which States Attorney's Association found to be too vague to enforce. This has had good work by our -- our staff in crafting this. It forbids anyone to knowingly condition a student or other person's admission into a school-connected association or group, upon that persons commissions of an act not sanctioned by the school, if the act results in bodily harm to anyone. The offense in a Class A misdemeanor and if death or great bodily harm occurs, it's a Class 4 felony. It's supported and requested by the Illinois State's Attorneys' Association. We've had some tragedies involving hazing around the State and this is an attempt by the State's Attorneys' Association to craft a Statute which will enable that activity to be appropriately deterred and punished. And I would request an Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, House Bill 113 -- the question is, shall House Bill 113 pass. Those in favor, vote Aye. Those opposed will vote Nay. The

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voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? On that question -- take the record. There are 57 voting Aye, none voting No, and none voting Present. This bill, having received the required constitutional majority, is hereby declared passed. House Bill 122. Senator Hasara. 122. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 122.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hasara.

SENATOR HASARA:

Thank you, Madam President, Members of the Senate. This bill asks for an evaluation of the entitlement programs that are administered by the Student Assistance Commission. It also says, that after May 15th of each year, if ISAC determines that it will not be expending all of its money, it may transfer five percent of its appropriation to be able to pay for the Illinois Veteran Grant Funding Program. The whole idea of this bill is to make an attempt to better fund the veteran entitlement. I'd be glad to answer any questions and would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, the question is, shall House Bill 122 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? On that question -- take the record, Madam Secretary. There are 57 voting Aye, none voting No, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. House Bill 150. Senator Klemm. Out of the record. House Bill 153. Senator Peterson. Madam Secretary,

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read House Bill 153.

ACTING SECRETARY HAWKER:

House Bill 153.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Peterson.

SENATOR PETERSON:

Thank you, Madam President. House Bill 153 creates the Drug Dealer Liability Act to create a civil cause of action for injuries caused by illegal drug use and against those who have engaged in the marketing of illegal drugs. The main cause of action is for the parent, guardian, employer or drug user or governmental unit funding drug treatment of a user. There are limits on drug user's ability to bring suit. Comparative responsibility is imposed in relation to damages. The Drug Dealer Liability Act is based on a proposal considered in -- being considered in Michigan. The bill would create civil liability for drug dealers. The purpose of the bill is to create a system of monetary compensation for persons injured by illegal drug market and create an incentive for users to -- to identify the drug dealer. This bill passed out of committee without opposition. Passed out of the House without opposition and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, the question is, shall House Bill 153 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting's open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the roll. On this question, there are 57 voting Aye, none voting No, 1 voting Present. And this bill having received the required constitutional majority, is

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hereby declared passed. House Bill 160. Senator Clayborne. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 160.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Madam President and Members of the Senate. House Bill 160 basically raises the age of a heresy statement. It now makes a statement admissible when there's a complainant under fifteen years of age at the time of the physical or sexual act, which is the basis of the prosecution, was allegedly perpetrated if the statement was made within one year of the date of the act, which is subject of the prosecution. The original age which made this, was thirteen and under. This has been -- the States -- State's Attorneys' Association, Illinois Appellate Prosecutor Association feels that there's a need to raise it by two years to accommodate for some of the prosecutions that they're having. I would ask for a favorable vote, on House Bill 160.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, the question is, shall House Bill 160 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 57 voting Aye, none voting No, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. House Bill 175. Senator Garcia. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

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House Bill 175.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Garcia.

SENATOR GARCIA:

Thank you, Madam President. This bill authorizes DASA to perform a public education campaign to inform the State's Hispanic population concerning the prevention and treatment of alcoholism. It also requires the Department of Public Health to target women in its public education materials pertaining to the prenatal transmission of HIV - AIDS, and to make materials bilingual. Also requires the Department of Public Health to utilize bilingual educational videos, aimed at teenagers who are members of high-risk communities, in the Department's HIV AIDS awareness programs and materials. Senator Smith has amended this bill regarding the reporting of child abuse and we've been working with both of the affected departments for several years and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, the question is, shall House Bill 175 pass. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Madam Secretary. On that question, there are 55 Ayes, none voting No, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. May we have it a little more orderly with all the Ladies and Gentlemen in the Senate. House Bill 197. Senator Raica, did you wish this bill to be returned to 2nd Reading? Senator Raica, do you wish to amend this bill? No amendment. Madam Secretary, read the bill.

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ACTING SECRETARY HAWKER:

House Bill 197.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Raica.

SENATOR RAICA:

Thank you, Madam President, Ladies and Gentlemen of the Senate. What House Bill 197 does is it requires that the -- Water Reclamation District Act to require that the Illinois Auditor General conduct a financial and compliance audit of the books of the MWRD and file a copy with the Governor's Office and the Legislative Audit Commission. It also says that the Auditor General conduct this audit is repealed July 1, of 1999. I just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will.

SENATOR TROTTER:

Senator Raica, why are you putting this legislation in?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Raica.

SENATOR RAICA:

Senator Trotter, this was because of legislation -- because it was a flagrant disregard by the MWRD when it came to a reservoir, which is in my district, which was originally agreed to for years by the Congressman Lipinski, Senator Viverito, myself, Senator Molaro and others that it'd only be a 10.5 billion dollar -- or billion gallon reservoir. The MWRD wanted to double the size of



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that. The public residents from that community asked that it not be done, and it took us months and months of, and months of -- of arguing back and forth for MWRD finally to agree not to, not only put in the expanded reservoir, but also not close down 55th Street, which is in McCook, where this reservoir would have been placed.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Trotter.

SENATOR TROTTER:

What does that have to do with an audit?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Raica.

SENATOR RAICA:

It was requested by Representative Zickus in the House, that an audit be -- an audit and a compliance order be fulfilled to see exactly where the funds are going in the MWRD and to put a check and balance system in to make sure that everything is above board.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Trotter.

SENATOR TROTTER:

Isn't there already an audit being done annually by the MWRD?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Raica.

SENATOR RAICA:

My understanding is, Senator Trotter, that it is -- but it was requested that the Auditor General conduct it, in addition to a compliance.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Trotter.

SENATOR TROTTER:

Just to the bill: This is obviously just a -- a slap at the President of the -- of the board of the Metropolitan Water

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Reclamation District. And I'm assuming that his term must end in 1999. So when his term is over, you want this legislation to die. This is just frivolous legislation. This is getting-even legislation, and I don't think this Body should be associated with -- with that kind action, and I believe that the Members on this side should vote in the negative.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Welch.

SENATOR WELCH:

Yes, I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he'll yield.

SENATOR WELCH:

Senator Raica, is there a cost estimate attached to the audit?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Raica.

SENATOR RAICA:

My understanding is, Senator Welch, that the money that they pay for this audit now would go to the Auditor General's Office. So, I mean, it would not be an additional cost, to the best of my knowledge. The fees there already that's being charged. It would merely be conducted by the Auditor General.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Welch.

SENATOR WELCH:

So there wouldn't be a double audit, you're saying. It would be -- I imagine that this Water Reclamation District is audited every year. This would be a required audit that's just being done by an outside body, is what you're saying?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Raica.

SENATOR RAICA:

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The audit that's being conducted now, Pat, would not be done should this legislation be passed. The Auditor -- the Auditor General would assume the audit responsibility. There would not be a duplication of an audit.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Welch.

SENATOR WELCH:

One question, Senator. Why can't you just pass a law -- or a bill here that says they can't go more than the twelve billion gallons? Why don't you just do that instead of the audit?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Raica.

SENATOR RAICA:

Well, Senator, all the elected officials in that district, Republican and Democrat, have for months and months attempted to -- to talk to the commissioners including the president of the MWRD. This is not a slap at any of those individuals. There was a total, flagrant disregard for any elected official in that community, and the residents that live in that community, when this -- when this situation came up. We pleaded with the commissioners to -- to hear what we had to say in that particular district and there was actually -- it fell upon deaf ears, Pat.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Senator Jones.

SENATOR JONES:

Yeah. Thank you, Madam President. I rise in opposition to this legislation. And if you have a -- a particular area, Senator, that you're concerned about, it doesn't include the auditing and what you're attempting to do is increase the budget of the Auditor General. Currently, right now, under current law, as you so stated, they are audited by an independent auditor. And

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-- and -- and if there were problems as relate to the audit, it would have shown up. It has not shown up. So if we -- if we are trying to get a -- at a particular issue in your respective district, that's something else. But I don't think that we should go about increasing State government when the local government has been conducting their business as they should have, and I urge the Members on both sides of the aisle to soundly -- to soundly defeat this piece of legislation.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

We'd like to have your attention. Any further discussion? Any further discussion? Senator Raica, to close.

SENATOR RAICA:

Well, thank you, Madam President and Members of the Body. This was a very emotional -- very emotional situation in my district, and I would just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 197 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 33 voting Aye, 19 voting Nay, 1 voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. Senator Woodyard, for what purpose do rise, sir?

SENATOR WOODYARD:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your point, sir.

SENATOR WOODYARD:

With us today in the gallery behind me, is a school from my district, St. John's Lutheran School, from beautiful Buckley, Illinois. And, gee, didn't they pick a good day to come down to Springfield.

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PRESIDING OFFICER: (SENATOR GEO-KARIS)

Would they please rise in the gallery, and welcome, from Buckley, Illinois. We're glad to have you. House Bill 199. Senator Raica. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 199.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Raica.

SENATOR RAICA:

Thank you, Madam President. House Bill 199 requires the Toll Authority to acquire a building and an adjacent property used for the purpose of educating elementary and secondary students if the building lies within a hundred feet of an ingress or egress ramp of a Tollway Authority operated by the tollway. The Tollway Authority recently built a ramp on -- or right next to Doshier School, which is in my district located in the Indian Springs School District 109. This ramp was -- apparently caused a great amount of noise and pollution. Since then the tollway had to close this ramp and the businesses in that community are suffering. But should that ramp be open, Madam President and Members of the Body? This ramp is right next to a school. It is the only one of its kind in the State of Illinois. The children's lives are in jeopardy. We have large semitrailers that are coming off that ramp. That's the only road that the kids can walk across to go into the school. And this is a grave area of concern and I just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Shaw.

SENATOR SHADID:

Thank you, Madam President. This bill was heard in committee,

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and this is a good bill. And it's a -- will protect the lives of many children that attend that school. And certainly, I would urge everybody to vote Aye for this legislation.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? The question is, shall House Bill 199 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the roll. On this question, there are 57 voting Aye, none voting No, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. Senator Raica, for what purpose do you rise?

SENATOR RAICA:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your point, sir.

SENATOR RAICA:

Had -- had I been able to close, I would have thanked Senator Shaw for his help, not only in committee, but for his kind remarks on the Floor. Also, Senator Jacobs and the Members of both sides of the aisle for that vote. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

House Bill 206. 206. Senator Cronin. Senator Cronin. Take it out of the record. House Bill 207. Senator O'Malley. Out of the record. House Bill 226. Senator O'Malley. Out of the record. House Bill 258. Senator Weaver. I'm sorry. Senator -- out of the record. Senator Dillard. House Bill 270. Senator Petka, do you wish this bill returned to 2nd Reading? Senator Petka? Senator Petka seeks leave of the Body to return House Bill 270 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. Senator Petka. Madam Secretary, would you please read the bill.

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ACTING SECRETARY HAWKER:

Amendment No. 2, filed by Senator Petka.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Petka.

SENATOR PETKA:

Thank you very much. Senate Amendment No. 2 would provide -- or make the following changes: In those districts which are -- sanitary districts which are under the Sanitary District Act of 1917, would permit a sanitary board of trustees to appoint a chief administrative officer for a four-year, renewable term; and additionally, this -- this amendment itself would permit sanitary districts with a population of at least ninety thousand to have a five-member board and they would not have to have -- to be partisan appointees. I urge its adoption.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion on this amendment? Any discussion? Senator Trotter.

SENATOR TROTTER:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will.

SENATOR TROTTER:

Senator Petka, the biggest part of this, I understand, is the deletion of the current provision that requires a five-member board, that presently is a five-member board, that there are no more than three should be of the same political party. So essentially, what this creates is a one-party board, is that correct?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Petka.

SENATOR PETKA:

That is not correct. What it means is that people can -- will

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be appointed on a basis of merit, rather than any political affiliation.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Trotter.

SENATOR TROTTER:

Okay. But, feasibly they can be all of the same party, since what I have here is, the county chairman actually makes the appointments, and it says in those districts in -- which encompass several counties, the memberships or the members of this board are picked by the Members of the General Assembly. So that means that those counties where -- that touches various legislative districts, all of us in this General Assembly can make those appointments. Is that what it's saying? Is that going to be to a vote? Will we have a vote on the Floor for that kind of a board? How does the General Assembly get involved?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Petka.

SENATOR PETKA:

The General Assembly is involved, Senator, on the -- the basis of -- those Senators who represent any portion of the sanitary district sign a petition which is taken before a circuit court for circuit court approval.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Trotter.

SENATOR TROTTER:

Just in -- just to the bill. Seemingly, what this legislation does is, create, in downstate Illinois, specifically in the Springfield area and other areas where there's sizeable Republican districts, that they can create all-Republican boards. And I think Members of this side should be aware of that, so if we do have members on those board downstate, they will not be there with the passage of this -- this bill.



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PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Demuzio.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Madam Chairman -- Madam President. Also, I rise in opposition, as well. I thought, Senator Petka, your explanation of the rationale for the removing of the political party representation was -- was very good. However, I -- I think that this allows Springfield, for example, that has five trustees to a board of this nature to be appointed all by one particular -- one particular party, and I don't know why we're doing this. It just seems to me that it's working very well the way it is. Striking that language is for a particular purpose, I understand in your area, but however it affects the other groups also statewide, four or five of them. And, therefore, for that reason I'm opposed.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Shaw. Further discussion?  
Senator Collins.

SENATOR COLLINS:

Well, thank you. This bill came before our -- the committee earlier today -- this amendment. And I -- I just have to express the same sentiments as Senator Demuzio. I -- I think this -- this amendment sets a very, very bad precedent. I think it is the consensus of the public that we open up government and that we do

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have some checks and balances. What this bill does, we're going backwards with this amendment - which would allow - and it's really -- the motivation behind it, is to allow for a all Republican board here. And you -- you -- you -- you've -- you have an all Republican State government and now you want an all Republican boards, and -- and you can't do that. Because if do it with this amendment, other people are going to be coming in to do the same things in predominately Democratic or Republican areas, to make sure that we change the law so that they can, in fact, point -- appoint all Democrats or appoint all Republicans. We need that checks and balance there, so that they can be on those boards where people have the authority to -- to levy taxes and to deal with money and make major decisions as to the expenditure of tax dollars. We should not allow this to happen and these are appointed boards, true enough, and they're not elected. So at least you'd have somebody there if they were both Democrat and Republicans on these committees. And I -- I just think this is a bad precedent and we should not do it.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Shadid, on this amendment.

SENATOR SHADID:

Yes. Thank you, Madam President. I rise in opposition to this. I don't believe it's fair, no matter which political party it would favor. I don't think it's right, and I don't think that's what the citizens want. So I'm urging a No vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Bowles.

SENATOR BOWLES:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will, Senator Bowles.

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SENATOR BOWLES:

Senator Petka, is -- doesn't the present law actually provide that there could be a chief administrator appointed, under the present law? It appears to me that this is sort of micromanaging again, taking away from the local and bringing it up to the legislative level.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Petka.

SENATOR PETKA:

Senator, I think you're discussing the underlying bill. We're talking about the amendment right now that was adopted in committee.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will.

SENATOR CULLERTON:

Does this bill - this amendment - does this allow for you to make an appointment, Senator?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Petka.

SENATOR PETKA:

Senator Cullerton, ever since I've been in the General Assembly, in connection with at least one sanitary district, that has been prerogative. There -- any area where -- where a sanitary district crosses county lines, the appointment is made upon petition of all the State Representatives and State Senators to the circuit court of the county that has the -- the most population. And that has been the prerogative of the General Assembly going back at least to 1987, since I've been here.

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PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

So, you've had the authority to make appointments to the sanitary district, and this will increase the number of people that are appointed and say that they don't -- three cannot be from the -- it eliminates the requirement that says that no more than three shall be from the same political party? So, you'll -- you'll be able to make more appointments and they can all be from the same party, is that what the amendment does?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Petka.

SENATOR PETKA:

Senator, two different ways of looking at the amendment, okay. Now you stated one end, and I'm going to state the other. This permits the number of trustees that can be appointed, and the population requirements to be lowered from a hundred and, I believe, five thousand down to ninety thousand. It also will permit a board which has, in my opinion, we can select the best people for the position, regardless of partisanship or the use of something that unfortunately these type of requirements have ultimately led to, and that is quotas. This will permit placing the best people on the board, independents, Republicans, Democrats, whatever.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Well, I'm certain that Senator Petka, who's had this authority to make these appointments, will -- is supporting this bill so that he can make these appointments regardless of party and based on their merit. But I take it that this will apply to more than just the Aurora Sanitary District. And a cynic -- a cynic could

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say that what this amendment does is to allow for more appointments by Members of the General Assembly, and it wipes out the requirements that there be a balance in the -- the political party and the cynic might say this is just a -- like a power grab, to make some more appointments all from one party. And I'm certain that that wouldn't be the case in Aurora, but this applies to other municipalities, and I think that that's -- I guess I'm getting too cynical, but I think there's a lot of other cynical people here too that would say for that reason they would vote No.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Senator Petka, do you wish to close on your Amendment No. 2?

SENATOR PETKA:

Yes. Madam President and Members of the Senate, the -- the amendment has been debated at some length and there's been an attempt to put a spin on this, which is -- was not the intent of the sponsor. The first thing that should be kept in mind is -- was we wanted to reduce the number of people in connection with the sanitary district where trustees could be increased. That we have done. And not to inject partisanship into this, but perhaps to take partisanship out of it -- was the purpose for this. And so for those reasons, I would urge adoption of this amendment.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

All those in favor will vote Aye -- will say Aye. Opposed, No. Are you requesting a roll call? It's in order. There will be a roll call on Amendment 2 to House Bill 270. All those in favor, vote Aye. And those opposed will vote Nay. The voting is now open. Are there -- have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 29 voting Aye, 26 voting Nay, none voting Present. And this amendment, having received the required number of votes, is hereby adopted. Any further Floor

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amendments?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading.

PRESIDING OFFICER: (SENATOR DeANGELIS)

For what reason does Senator Donahue seek recognition?

SENATOR DONAHUE:

Do you -- on a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State -- state your point.

SENATOR DONAHUE:

In the gallery above the Democrat side of the aisle, we have Janie Fischer, who was a classmate of mine many years ago, and a group that she takes called Seniors First, from Quincy, Illinois. I'd like them to rise and be recognized.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Will our guests in the gallery please stand and be recognized. For what reason does Senator Woodyard seek recognition?

SENATOR WOODYARD:

Thank you, Mr. President. On a point of personal privilege. Joining us today in the -- in the President's gallery at the rear is St. Paul's Grade School from Woodworth, Illinois, seventh and eighth grade. Mr. Bristow is the teacher, and I would like the Senate to welcome them to Springfield.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Will our guests in the gallery please rise and be recognized. For what reason does Senator Butler seek recognition?

SENATOR BUTLER:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point.

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SENATOR BUTLER:

Mr. President, seated in the President's Gallery on the Democrat side, there's a group of very special teens and young adults who are visiting us on behalf of the -- or as participants rather, in the northwest -- in -- in special recreation districts. They are represented from the Northwest Special Recreation Association, the Maine-Niles Association for Special Recreation, Southwest Special Recreation Association, Western DuPage Special Recreation Association and the West Suburban Special Recreation. They are guests today of Senator -- Senators Fitzgerald, Cronin, Beverly Fawell, Patrick O'Malley, and I would ask the Chamber to give them a very, very special and warm hello.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Will our guests in the gallery please stand and be recognized. Let us now return the Order of 3rd Reading. On 3rd Reading is House Bill 301. Senator Petka. Senator Petka? Take it out of the record. On the Order of 3rd Reading is House Bill 309. Senator Smith. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 309.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 309 establishes a twenty-five member advisory panel on minority health, appointed by the Director of Public Health, to address the health problems of minorities and the number of minorities who are health care professionals. This bill has received no opposition, and is supported by the Urban League, the National Medical Association, Illinois Public Health

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Association and the Illinois Public Health Administrators. And this bill simply codifies current practices of the Department of Public Health. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any questions. If not, the question is, shall House Bill 309 pass. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, none voting No, none voting Present. And House Bill 309, having received the required constitutional majority, is declared passed. Senator Mahar, for what reason do you seek recognition?

SENATOR MAHAR:

A point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point.

SENATOR MAHAR:

We have in the gallery behind us, on the Democratic side from both Senator DeAngelis' district and mine, students from James Hart Junior High School in Homewood. I would ask that you join me in welcoming them to Springfield.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Will our guests in the balcony please rise. Welcome to Springfield. On House Bill 314. Senator Woodyard, do you wish this returned to 2nd Reading for the purposes of an amendment? Senator Woodyard seeks leave -- no. Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. Is this the amendment that -- that we adopted in committee that I need to present?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Can you just hold it for a second? Senator Woodyard asks



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leave of the Body to return House Bill 314 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. Senator Woodyard. On the Order of 2nd Reading is House Bill 314. Mr. Secretary -- Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Woodyard.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Woodyard, to explain your amendment.

SENATOR WOODYARD:

Thank you, Mr. President. This is an amendment that was filed yesterday, that is strictly just a technical clean-up amendment to the bill that we amended in committee.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? If not, all those in favor, say Aye. Opposed, say No. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DeANGELIS)

3rd Reading. On the Order of 3rd Reading is House Bill 320. Senator Cullerton. Senator Cullerton? Take it out of the record. On the Order of 3rd Reading is House Bill 355. Senator Hawkinson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 355.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This bill deals with the question

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of immunity for physicians who work at free clinics, and it expands that immunity to say that if the physician treats the person at their own for-profit clinic on a referral basis, or refers them to another doctor who makes no charge, that that same immunity that applies at the free clinic would carry over to the referral. I'd be happy to answer any questions, otherwise ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 355 pass. Those in favor will vote Aye. The opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, none voting Nay, none voting Present. House Bill 355, having received the required constitutional majority, is declared passed. House Bill 497. Senator Dunn. Senator Tom Dunn? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 497.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This bill is permissive and would permit downstate, the county to operate juvenile boot camps with the permission of the county board.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? Any discussion? If not, the question is, shall House Bill 497 pass. Those in favor will vote Aye. The opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, none voting

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Nay, none voting Present. House Bill 497, having received the required constitutional majority, is declared passed. For what reason does Senator Geo-Karis seek recognition?

SENATOR GEO-KARIS:

On a -- on a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point, Senator.

SENATOR GEO-KARIS:

I'm delighted, Mr. President and Ladies and Gentlemen of the Senate, to have with us today, the students and teachers from Millburn School in my district, which is served by myself and Majority Leader Churchill, and I'm -- they are all up there in the President's Gallery with Mr. Cybul and other instructors and we want to welcome them here.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Will our guests in the gallery please rise and be recognized. For what purpose does Senator DeLeo seek recognition? Senator Trotter, for what purpose do you seek recognition? State your point, Senator.

SENATOR TROTTER:

On Senate Bill -- House Bill 355, it was my intent to vote No on that bill, and I would like the record to reflect as such.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Your request is granted, sir.

SENATOR TROTTER:

Thank...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator DeLeo, did you wish recognition?

SENATOR DeLEO:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point, Senator.

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SENATOR DeLEO:

Thank you, Mr. Chairman. I don't have anybody here in the gallery. Nobody has come to see me all year, and I just wanted to make that point.

PRESIDING OFFICER: (SENATOR DeANGELIS)

You're still well loved by the Body. For what reason does Senator Clayborne seek recognition?

SENATOR CLAYBORNE:

Yes, Mr. President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point, Senator.

SENATOR CLAYBORNE:

Yes, sitting in -- sitting in -- on the Floor with me is a former school administrator, as well as a lifelong friend, as well as the Mayor of East St. Louis' sister, Mrs. Faye Tharp. Would the Senate please recognize her?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Will our guests in the gallery please stand. Oh, there you are. You're on the Floor. Okay. Welcome to Springfield. House Bill 505. Senator Maitland. Senator Maitland, 505? Take it out of the record. House Bill 507. Senator Peterson. Out of the record. House Bill 544. Senator Mahar. Out of the record. House Bill 573. Senator Cronin. Senator Cronin? Out of the -- read -- read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 573.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Mahar. I mean, Senator Cronin.

SENATOR CRONIN:

Yes. Thank you. Thank you, Mr. President. House Bill 573 is

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a bill that has widespread support. Is very much an initiative of the Illinois Municipal League, Suburban Mayors and Managers. This permits municipalities, after amending the Municipal Code, and providing that any municipality - now only those over twenty-five thousand population - that any municipality, may expedite the removal of certain dangerous and unsafe buildings without applying first to the circuit court. Such building must not be more than two stories in height, and must be a residential building. The municipality's building code department must determine, after a lengthy process, that the building is open and vacant - notice being given to the owner - and an immediate and continuing hazard to the community. Then, and only then, may the municipality move forward for demolition. This will help clean up our neighborhoods. This is something that has been supported very enthusiastically by the Mayor of the City of Chicago. We're just trying to expand the application of it. Ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, as I've stated before, I may have a possible conflict, because I am a village attorney in Vernon Hills, in Lake County, Illinois, but I have come across this situation, as a Mayor, also. And let me tell you, this bill is a very good bill, because we have some eyesores that should be removed, and it's awfully time taking to do it the old way. So I certainly speak in favor of this bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. I didn't quite -- will the sponsor yield?

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will.

SENATOR SHAW:

I didn't quite understand -- and you're circumventing the -- the circuit court. What -- what are you doing, I don't have the bill or any analysis on it? What -- what are we doing here, Senator? I didn't understand how you were circumventing the circuit court. Sounds like a great bill to me, but I just wanted to hear it.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin.

SENATOR CRONIN:

Well -- well your initial reaction is -- is the right one. It is a great bill, and it just permits Municipal Code -- or permits municipalities to expedite the removal of certain dangerous and unsafe buildings. This is after a lengthy process. Notice having already been given to the owners of the building. There being hearings. There being standards that have to be met. And it permits the building code departments, in municipalities, to move forward with demolition in order to clean up neighborhoods.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

SENATOR SHAW:

The -- when you say lengthy process are we attempting to cut the process down by this, or are we keeping it where it is?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin.

SENATOR CRONIN:

Well, the goal is to -- to expedite matters, because the current situation is too slow, too cumbersome, and we think that by expediting it and at the same time making sure that we -- we respect the -- the constitutional rights and procedures afforded

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-- that should be afforded to the property owner. We think we've accomplished that balance in -- in this. We have notice requirements, certified mail, publishing in the newspaper. If the owners take no action, we -- after that, 30 days, whichever is later. The corporate authorities may proceed. Any person objecting to the proposed action may file objection in court. And so we have protections in there, but the bottom line result of this bill, is that we'll be able to clean up dangerous and vacant and unsafe buildings which plague your neighborhood and plague many neighborhoods throughout the State, sooner.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shaw.

SENATOR SHAW:

Certainly it's a great bill and I think it'll go a long ways towards doing exactly what the Senator said. And we have a major problem in my district with abandoned buildings and -- and by the time the city goes through the courts and get all of the orders that they need to tear down these buildings, the people could have been killed in them, and raped and robbed and they become drug houses and certainly this is long overdue, and I urge an Aye vote for the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. I, too, rise in support of this legislation. There was detailed discussion given in committee and it was all good. And it is a great bill, Senator, and I recommend everyone to vote Aye for this piece of legislation.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 573 pass. Those in favor will vote Aye. The opposed, vote Nay. And the voting is open.

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Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, Present are none. House Bill 573, having received the required constitutional majority, is declared passed. Senator Cronin, on 589. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 589.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. House Bill 589 comes at the request of the State's Attorneys Association, both Republican and Democratic State's Attorneys throughout the State. We seek to amend the exoneration article, the Criminal Code with respect to the defense of entrapment. Provides that a person was not entrapped by the police into committing a crime if he was already predisposed to commit it when he did and the police merely afforded him a criminal opportunity or facility to do so. I ask for your favorable consideration. This passed unanimously out of committee and passed overwhelmingly in the House.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 589 pass. Those in favor will vote Aye. The opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there 58 Ayes, none voting Nay, none voting Present. House Bill 589, having received the required constitutional majority, is declared passed. For what reason does Senator Smith seek recognition?

SENATOR SMITH:

Mr. President and Ladies and Gentlemen of the Senate, I stand



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on a point of personal privilege, please.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point.

SENATOR SMITH:

Thank you. We have -- I understand the seniors are down to visit us today. And we have, in the reporters booth over here, a senior, and one who has been long-time reporter and honorary, and this is Ms. Rochelle Burton. Why don't you stand, Rochelle -- Ms. Burton. She is a news reporter, has been in the City of Chicago for 10 these many years, and I just wanted to present her to our Body, this -- this afternoon.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Welcome to Springfield, Ms. Burton. Senate <sic> Bill 597. Senator Petka. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 597.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Petka.

SENATOR PETKA:

Thank you, Mr. President, Members of the Senate. House Bill 597 creates the Joliet Arsenal Development Authority. This authority would consist of approximately three thousand acres, which comprise the property commonly known as the Joliet ammunition plant and arsenal. For those of you who drive along Interstate 55 coming to and from Springfield, just after you cross the Kankakee River and heading north, you will come across the -- the arsenal property. It can be seen from the -- from the highway. What this board is empowered to do is, first of all, the board will consist of a board of directors. Four of whom are appointed by the Governor from Will County with the advice and

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consent of Senate. The remaining five members will be appointed by the County Board of Will County, one each from Joliet, Wilmington, Elwood, Manhattan and Symerton - all being communities within the County of Will. The members would serve without compensation, but be reimbursed for expenses. Additionally, the authority may issue up to one hundred million dollars of bonds for the financing projects within the Joliet Arsenal Development Authority property of three thousand acres. This authority would be abolished upon the expiration of fifteen years or one -- one year after all bonds, notes and other indebtedness have been fully paid. The -- the purpose for this is to have a transformation of land from the -- the Joliet arsenal for purposes of public development. In addition to the Development Authority that you see, there's going to be a creation, on the arsenal property, of a national cemetery and in addition to that, there will also be a very large wildlife preservation -- wildlife preservation area. Mr. President, Members of the Senate, I move for adoption and would be pleased to answer any questions.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 597 pass. Those in favor will vote Aye. The opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, none voting Nay, none voting Present. House Bill 597, having received the required constitutional majority, is declared passed. Senate <sic> Bill 653. Senator Hendon. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 653.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

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Senator Hendon.

SENATOR HENDON:

I yield to Senator Trotter.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President and Members of the -- the Senate. This Senate bill, as amended, requires the Department of Aging to investigate the present system of home and community-based services to ensure that those services continue to serve as cost-effective options for persons who need nursing home care. This is the same bill that went out of here and got tied up over in the House in the Rules Committee. It went out of here unanimously and I'd ask for a favorable roll call on this initiative.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 653 pass. Those in favor will vote Aye. And the opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, none voting Nay, none voting Present. House Bill 653, having received the required constitutional majority, is declared passed. House Bill 660. Senator Cronin. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 660.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin.

SENATOR CRONIN:

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

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This bill amends the Higher Education Student Assistance Act. It adds one member who has knowledge and background of public community colleges to the ISAC board and decreases from five to four the number of at-large citizens appointed to the board. This had no opposition in the House and no opposition in committee. It's a great bill. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 660 pass. Those in favor will vote Aye. The opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, none voting Nay, none voting Present. House Bill 660, having received the required constitutional majority, is declared passed. House Bill 689. Senator Burzynski. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 689.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill changes the School Code in three different areas. It, number one, allows school districts that elect their school board members by congressional township to now by referendum of each township within that district switch to electing their school board members at large. This is permissive language. Number two, it provides that when a school board vacancy occurs with less than eight hundred and sixty-eight days, now twenty-eight months, that the remaining term of the vacancy shall be filled by appointment. It's a clarification of current law. And number

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three, allows school districts from which newly consolidated districts are formed to level property taxes for the new district, at the rate specified in the consolidated petition in the event the new board of elections is not -- a new board of education is not elected in the same calendar year. I'd be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR HAWKINSON:

Senator, if -- if you -- my school district, for example, I think elects by congressional townships, even though the majority of the district is in the city in one township, the outlying area has so many that are required to be elected from that outlying area. Will this referendum require a majority vote in both townships or can the majority area simply decide by referendum to have at-large elections?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Burzynski.

SENATOR BURZYNSKI:

That's a good question. No. Each township would have to approve the referendum. So -- so the larger township could not supersede the smaller one.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any further discussion? If not, the question is, shall House Bill 689 pass. Those in favor will vote Aye. The opposed, vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted -- thank you, Senator Klemm. Have all voted who wish? Take the record.

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On that question, there are 59 Ayes, none voting Nay, none voting Present. House Bill 689, having received the required constitutional majority, is declared passed. House Bill 731. Senator Cronin. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 731.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. This bill was amended in committee. With the amendment, it was reported out on the Agreed Bill List. What it does is require local school council candidates to disclose whether they have been convicted of any of the various drug and sex crimes delineated in the criminal background check law. The -- the amendment -- or this bill also allows, but does not require LSCs to remove members for failure to disclose such information. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 731 pass. Those in favor will vote Aye. The opposed, vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, none voting Nay, none voting Present. House Bill 731, having received the required constitutional majority, is declared passed. 741. Senator Cronin. House Bill 741. Senator Cronin? Read the -- read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 741.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This bill amends the Human Rights Act, to streamline investigative and adjudicative processes in the Illinois Human Rights Commission and the Illinois Department of Human Rights. It does five basic things: it reduces from 210 to 60 the days from the date the charge is filed, by which a respondent must file a verified response with the Department; two, moves the request for review process from the Commission to the chief legal council of the Department; three, creates an alternative dispute resolution mechanism within the Commission; four, allows a ruling written by an administrative law judge who did not preside over the case; five, includes the Commission bill. A bill that was -- is -- is the sum and substance of which is House Bill 2338. I need to point out to the Body that a similar bill passed out of the Senate in the 88th General Assembly on a forty-five to eight vote. The -- the Senate needs to know that there has been a five-year effort underway in developing the content of this bill. The parties have worked diligently, for a long time. This contains many of the Department and Commission requests. The general council, Jackie Lustig has agreed, or she agreed in committee that if the funding is there, that this is a good bill. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I guess the question to the sponsor is, what happens if the funding is not there? Does it then become a bad bill?

PRESIDING OFFICER: (SENATOR DeANGELIS)

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Senator Cronin.

SENATOR CRONIN:

Well, I think it's kind of like any other bill around here. Yes, I acknowledge that in order that the processes and procedures laid out in this bill, in order for them to be effective, there will need to be funding and the funding is not yet there, but we hope it comes some day soon.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dunn.

SENATOR T. DUNN:

To the -- to the bill, Mr. President: Well, there is no new money guaranteed in this -- in this legislation. Nor are there additional legislators, and what they're asking to do is to guarantee a one-year investigation period as opposed to the system that is in existence now. There is in existence now, a backlog of some seven thousand cases and an investigator is not assigned until eighteen months into the investigation. So without the funding - it's a great idea - I mean, it's -- it's -- it's good business to conclude a -- a bad situation for an employer and an employee within a year, as long as you provide the mechanism. But this bill doesn't provide the mechanism, and that's too bad, because I could be for this bill very easily if it did provide the mechanism.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will yield.

SENATOR PALMER:

Senator, how many cases are now on backlog?

PRESIDING OFFICER: (SENATOR DeANGELIS)



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Senator Cronin.

SENATOR CRONIN:

I think three thousand.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Palmer.

SENATOR PALMER:

According to my analysis, it's seven thousand. Is that correct?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin.

SENATOR CRONIN:

My understanding that -- that is the -- that accounts for the pending and backlog cases. The backlog alone is -- is three thousand. And -- and the deadlines in this bill are prospective -- prospective.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Palmer.

SENATOR PALMER:

Yes. I understand they're prospective, but if that is the rate that is already in place, and if there is no new money, then logic says that we will be cutting off people already by not being able to take care of the -- the people that we have already and now you're putting a three-hundred-and-sixty-five-day limit on it. So I suggest that this is not a good bill, and I'm looking at about a -- an inch wide list of organizations that oppose this. And -- and there's a certain irony that this is called a human rights bill. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jones.

SENATOR JONES:

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

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will.

SENATOR JONES:

Yeah, Senator you indicated that the Department was in the -- the Department came in in opposition to the bill. They didn't oppose the bill? Did -- did the Department -- did you indicate to the Department that -- did they -- did they oppose the bill?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin.

SENATOR CRONIN:

In the final analysis, I think you could say that they oppose the bill. But they participated in the process. This bill includes many of their recommendations, and they agreed, they conceded that if the funding were there that they would enthusiastically embrace the bill. So it wasn't a real strong opposition, in my judgement.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jones.

SENATOR JONES:

Well, I can understand that, that's the reason why I was always opposed to the -- this -- this Human Rights Department even being created, because the -- I recognize that the Director is appointed by the Governor. And since they are appointed by the Governor, then to carry out the duties of human rights as far as filing complaints and things of that nature, they're are sort of hamstrung. The -- the Director should of came into the committee and said, "I need X amount of dollars and demand that I need the dollars in order to carry out this function." It should be streamlined. No question about it. One should not have to wait eighteen months after filing charges. But I believe the director of the department should have came into the -- the committee and said, "I am opposed to this bill - I'm opposed to it, because

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you're not giving me the adequate funding." And -- and again, this is the problem with the department, because the director is appointed by the agency. And, I'm quite sure in -- in State government when there are charges of discrimination and so forth, they do not use their initiatory powers to go after it, because it actually would be going after their own boss sometime. So, again, I have mixed emotions about this department, but I don't think you're solving the problem. Perhaps you can convince Rauschenberger to put maybe the amount of dollars necessary -- Senator Rauschenberger to put that in the budget to make up for this. Could you tell the Body -- could you tell the Body is this going to be -- is the necessary dollars going to be available in the next fiscal year to deal with the necessary investigators needed to comply with this -- this law?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin.

SENATOR CRONIN:

In response, Senator, I can offer this, I -- I know that the proponents, management groups, have been talking to Senator Rauschenberger, appropriations staff people, Bureau of the Budget - in a sincere effort to try to secure funds for this. They want this bill with the money.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Jones.

SENATOR JONES:

Well, maybe you can't answer the question. Perhaps maybe Senator Rauschenberger can answer, 'cause we haven't see the budget, so perhaps, you know, we haven't seen the budget, are the dollars in there? This is a rhetorical question, perhaps you can ask Senator Rauschenberger, are the dollars in there to implement this bill if it becomes law?

PRESIDING OFFICER: (SENATOR DeANGELIS)

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Senator Shadid.

SENATOR SHADID:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Sponsor says he will.

SENATOR SHADID:

Senator Cronin, during the committee hearing, I believe I specifically asked the representative of the Human Rights Commission, if they supported the bill, or opposed it. And she was sort of hesitant, I think she said that, "Well they don't support it because of the appropriation." It isn't funded. I asked, I said, "Do you support the bill regardless of the -- whether it's appropriated or not, do you support this bill?" and that person told me "Yes." Was I correct?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin.

SENATOR CRONIN:

I -- I -- I appreciate your thought on it, and I -- I wish that were the case, but my recollection was that she said, "Yes, if funding were there." And she never, I don't recall an unequivocal No, she wouldn't support it. I don't remember that, but...

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Shadid.

SENATOR SHADID:

My memory is that I specifically asked, after several conversations back and forth, she did say "Yes," if my memory serves me correct. If -- I said forget the funding, I said "Do you support the contents of the bill?" Well, that's how I remember it.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Hawkinson.

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SENATOR HAWKINSON:

Just -- just to try and clarify the record, because they did file a slip in opposition, and Senator Shadid did ask. But my recollection is equally clear, Senator that your question said, if it is properly funded, and her response was she would support it, if it was properly funded.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin, to close.

SENATOR CRONIN:

Thank you very much, Mr. President. I think all sides agree that this is a good bill. That the mechanisms that are laid out, the procedures, the streamlining, it's what needs to be done without a question. In addition to that, there needs to be dollars. No question about that either. We're at least taking a proper step in reforming the Department and the commission and I would ask for your favorable consideration to that end.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 741 pass. Those in favor will vote Aye. The opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 23 Nays, 1 voting Present. House Bill 741, having received the required constitutional majority, is declared passed. Senator Cronin. House Bill 797. Senator Cronin? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 797.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin.

SENATOR CRONIN:

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Thank you very much. I feel like I'm -- I'm getting into the O'Malley order of business these days. In any event, House Bill 797, is a bill that was amended in committee and the amended version that we're looking at right now, deletes all statutory duties for the regional office of education oversight boards and provides that they shall advise the regional superintendent on educational service center programs and any other program under the control of the regional superintendent. The repealed duties include approval of institute fund expenditures, reviewing and approving the fiscal and planning activities for former ESC programs, overseeing cooperative programs, employing personnel. The amendment goes on in that regard with reports and financial statements. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 797 pass. Those in favor will vote Aye. The -- I apologize, Senator Berman, I didn't see your light.

SENATOR BERMAN:

Thank you. Question of the sponsor. The State Board of Education indicates that it is opposed to this, could you tell me why?

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator -- Senator Cronin.

SENATOR CRONIN:

Well, they probably don't agree with the underlying policy of the bill. I -- I -- I couldn't tell you exactly. They probably want the regional superintendent's offices to -- to have more power and not less.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Berman.

SENATOR BERMAN:

Thank you. I -- the State Board had talked to me earlier

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today about this, indicating their opposition. They were going to get me some details and -- and I really haven't received them yet. I -- I guess they're concerned as to the advisory board and the -- and the makeup, and the compromising of the regional superintendent's position on that. I -- I don't know what -- what to say, other than that.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cronin. Do you wish to close?

SENATOR CRONIN:

Yes. I -- I ask for your favorable consideration. Thank you.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 797 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 26 Nays, none voting Present. House Bill 797, having received the required constitutional majority, is declared passed. House Bill 838. Senator Cronin. Take it out of the record. House Bill 859. Senator Syverson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 859.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. 859 does two things: it allows zoning -- zoning complaints to be handled through a code hearing process. The other it does, is allows licensing of demolition contractors. I know of no objection. It passed unanimously out, previously.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 859 pass. Those in favor will vote Aye. The opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, none voting Nay, none voting Present. House Bill 859, having received the required constitutional majority, is declared passed. 929. Senator Karpziel. Senator Peterson, on 939. Do you wish this bill returned to 2nd Reading for the purpose of an amendment? Senator Peterson seeks leave of the Body to return House Bill 939 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. Senator Peterson. On the Order of 2nd Reading is House Bill 939. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Peterson.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Peterson, to explain your amendment.

SENATOR PETERSON:

Thank you, Mr. President. The amendment just adds another member to the -- the bike trailways committee and that would be a representative of the Cook County Forest Preserve District. There's no opposition to the amendment. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any discussion? All those in favor, signify by saying 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 DeANGELIS)

3rd Reading. Senator Karpziel. 955. Take it out of the record.



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Senator Klemm. 974. Out of the record. Senator Dudycz. House Bill 1002. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1002.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz.

SENATOR DUDYDYZ:

Thank you, Mr. President. House Bill 1002 is legislation which was requested by Rosemont Horizon. They assert that this legislation will tighten the existing loopholes under current law for ticket brokers. Currently, the current law exempts the ticket broker from the Ticket Scalping Act if he or she engages in the sale of tickets on a regular, or on an ongoing basis -- or and an ongoing basis; operates from one or more of fixed locations; does not sell or attempt to sell tickets for any event while sitting, standing near the facility at which the event is to be held, is being held; and complies with the Retailers' Occupation Tax Act and all other applicable federal, State and local laws. House Bill 1002 requires ticket brokers to register with the Secretary of State's Office to maintain their exemption from the Ticket Scalping Act. They require a -- an annual registration fee of one hundred dollars and they must certify to the Secretary of State's Office that they meet the following criteria: That number one, they engage in a resale of tickets on a regular and ongoing basis from a permanent or a fixed location from within the State; they maintain, as the principle business activity at that location, the resale of tickets; they display, at that location, the ticket broker's registration; they maintain, at that location, a listing of the names and addresses of all persons employed by the ticket broker; they certify that neither the ticket broker nor any of

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their employees have been convicted of -- of a violation of this Act, within the preceding twelve months and that they are in compliance with all applicable federal, State and local laws relating to the ticket selling activities. And they must also meet the following additional requirements: That is to maintain a statewide toll free number for consumer complaints and inquiries; adopt a code that advocates consumer protection that must include consumer protection guidelines; a standard refund policy and standards of professional conduct; adopt a procedure for the resolutions of consumer complaints by a disinterested third party; establish and maintain a consumer protection rebate fund in an amount in excess of one hundred thousand dollars. The -- the bill maintains that current law which prohibits ticket brokers from selling or attempting to sell tickets while sitting, standing or being near a facility at which the event is being held, as well as current law which -- I seek your affirmative support.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. Walter still has ten, second-balcony seats left, if anybody wishes, for tonight's Bulls game.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall House Bill 1002 pass. Those in favor will vote Aye. The opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, 1 voting Nay, none voting Present. House Bill 1002, having received the required constitutional amendment -- majority, is declared passed. For what purpose does Senator Dudycz seek recognition?

SENATOR DUDYCZ:

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On a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DeANGELIS)

State your point.

SENATOR DUDYCZ:

Just for the information of the Membership that I gave those ten tickets to Senator Raica, and you can go to his office anytime and pick them up.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Thank you. Senate <sic> Bill 1023. Senator Berman. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1023.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate <sic> Bill 1023 has one amendment on it. The -- the basic bill has approximately six different items, which are very technical, dealing essentially with the probate proceedings that came from the Chicago Bar Association. And the underlying bill, I don't believe, has any dispute as to these relatively technical minor changes. I do want to call your attention to House Bill -- to -- I'm sorry, Senate Amendment No. 1, to this bill, and this addresses a subject matter which this Body approved about two weeks ago on a vote of 51 to 3. And that dealt with the statute of limitations for legal malpractice involving testamentary documents, including wills. What we have done by the amendment to this bill, is to -- to say that we want to give the consumer - the person who makes the will or makes these documents - make them aware of the limited statute of limitations that was incorporated

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in House Bill 20. And what we provide is that a notice must appear on the document in which the -- the person who -- the client will be aware that they must review this document within every five years, because there is an applicable -- a six-year statute of limitations, as applies under the new law to attorney malpractice liability statute of limitations. This is much more lenient than the bill that we previously passed out. It's the result of discussions that I've had with probate lawyers. They still are concerned, because of the uniqueness of their practice. But I think this is a very fair consumer-oriented approach. I'd be glad to respond to any questions and I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. Senator Berman, as I've said to you before, you're being admirably persistent in your pursuit of this change to one of the small provisions of House Bill 20, the so-called Tort Reform bill that we passed a couple of months ago. On -- on our side of the aisle, I think we should certainly continue to resist, at this early stage, any modifications in that law. Beyond that however, I would again state, we've had this debate before, but I would again state that, in my opinion, there is no just reason to be enacting a separate statute of repose applying only to estate-planning lawyers or to those drafting documents that take effect upon death, which might conceivably be other than wills and trusts. And -- and for that reason, and because this bill is unlikely to go anywhere in the House in -- in any event, I would again urge opposition to the second part of this bill.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Cullerton.

SENATOR CULLERTON:

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Thank you, Mr. President, Members of the Senate. To refresh your memory, when we passed to Tort Reform bill, I took some time to say that we were passing a part of that bill which was a horrible change for the -- our constituents. It would've allowed for a negligent lawyer to get off the hook, if he or she drafted a will so that people who were supposed to take the inheritance didn't get it. And we heard from, I believe, Senator Dillard said, Senator Lauzen said they said they would support a trailer bill to take that part out. Because let's face it, that is the law now. So we passed a trailer bill. There were three people who voted against it, but there were fifty-two or so that voted for it. And the Majority Leader of the House of Representatives became the sponsor, but he couldn't get it out of the Rules Committee. So, Senator Berman has come up with a -- a bill which is -- it's almost tempting to vote against it, because it's so weak. Now the lawyer can get off the hook, if he puts in the will, a notice that says, "You know what, after five years you can't sue me any more, so you better come in and get our will re-done." But at least it's a notice, and so at least the person who has their will done will check in with their lawyer to say could you please look at this again, so that if you messed up, I can sue you. But at least it's something. And there's also a provision in here that says that if the negligent lawyer's grandson - remember we talked about the fact that there could be a family lawyer who his son becomes a lawyer and then his grandson becomes a lawyer, and they could still be sued - there's a provision in here that says at least the lawyer -- the negligent lawyer's widow cannot be sued. So that's a -- an acknowledgement that we're trying to do everything possible. But I'm warning you, once again, this is one of those bills that if we don't pass, there's going to be a major scandal in a couple of years. It's going to be a front page story in your district about somebody who

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didn't get the inheritance that they're supposed to get, because some secretary typing the will punched the wrong button and the paragraph G was deleted, and as a result it -- it goes to the wrong person. And so it's something which we, in the Senate, ought to insist that the House change. And the only way we can do it is by passing this bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I rise in support of House Bill 1023, as amended, for much of the reasons already stated. However, I will agree with Senator Barkhausen that this bill probably won't go anywhere in the House, because the House doesn't want to correct the problem. The House stuck this provision in in the first place in House Bill 20, it wasn't part of the negotiations on tort reform. They stuck it in at the last minute, and it does exactly what the sponsors of this amendment said it did. It let's those of us in the legal profession who write wills and make mistakes completely off the hook after six years. And most of us have wills and -- and fortunately live much longer. I think one of our Senators noted in committee that in order to prevail, you'd have to die within six years, and few of our constituents or us want to do that. So this is -- this is even a much watered down correction of that problem, but it's one that we absolutely have to do. If we don't do it now, some events are going to demand that we do it sooner or later. And this is simply a warning on the probate document that you ought to have your will reviewed in five years in case it's not properly done and the money's left to the wrong party, or it's heavily taxed when it shouldn't be. And I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

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SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR GEO-KARIS:

I think we've been talking legalese all along and maybe some lawyers -- some of us lawyers can understand it, but I, for one, who've been in practice a number of years and I do a lot of probate, am not quite clear as to what you're driving at. Tell me, are saying that when we draft a will we should put in the will that the party who's going to sign that will -- execute that will, should have their will reviewed every five years? Did I understand that correctly?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman.

SENATOR BERMAN:

This is the language that should appear at the top of the will or these testamentary documents as follows: Quote "An action against an attorney for professional errors or omissions generally must be filed in court within two years from the time the person bringing the action knew or reasonably should have known of the injury, but in no event, more than six years after the date of the attorney's error or omission. Accordingly, it is advisable to have an attorney review wills, trusts and other similar instruments at least every five years." Unquote. The purpose of this, is to let the person who's signing the will, for example, know that there is a statute of limitations that will affect the validity of this will before they may die. Under the old law, the statute of limitations didn't start to run until the person who drew the will died. Under the new law, under House Bill 20, it's from the date of the signing of the will and the person may live a long, long time beyond that. So it's just letting the consumer

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know -- letting the client know that they should take a look at -- review this document within five years. It's -- it's public awareness.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Does a doctor put on his prescription language saying that this prescription should be reviewed by you and -- and if it doesn't work out, you can come back and have recourse against me?

PRESIDING OFFICER: (SENATOR WATSON)

Dr. Berman.

SENATOR BERMAN:

Thank you. The doctors, when they give you a prescription, there are two differences between what we're talking about and the doctors. Number one, if you take that prescription, as it's intended, and you get -- and you die from it, you can sue the doctor, because he gave you the wrong prescription. Number two, if it's a dangerous prescription, it's not renewable, you have to get another prescription. So those are two safeguards that don't apply here. Again, we're just making the public aware.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

It -- are you saying then, that what your bill does is -- make it necessary if -- if this bill should into law, that we must publish the information on every will we draft, right at the top of the will, is that right?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman.

SENATOR BERMAN:

No. It's up to the lawyer. If the lawyer wants to put this warning then the House Bill 20 statute of limitations will apply.



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If they don't put the warning on, it will -- they won't take advantage of it, it will be two years after the testator dies, like the old law. So it's up to the lawyer. Either give them a warning or take your chances.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

I'm not clear, you say under House Bill 20. I -- I don't mean to be -- act stupid about it, but frankly, I'm a little bit lost. Under House Bill 20 -- will you explain once more for all of us to get a little clearer in our minds -- under House Bill 20, where is the consumer and -- under this bill, where is the consumer?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman.

SENATOR BERMAN:

I'm sorry, did you want me to explain House Bill 20, or did you have a different question?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

...(microphone cutoff)...point that is involved with the rights of the -- protecting the consumer. I mean, is the consumer protected under House Bill 20 for the statute of limitations?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman.

SENATOR BERMAN:

Answer -- the simply answer is No.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator -- Senator Geo-Karis.

SENATOR GEO-KARIS:

I thought you said there was a protection there for a two-year statute, wasn't there?

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PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman.

SENATOR BERMAN:

Under House Bill 20, the previous law that made the statute of limitations run from the date of death of the person who drew the will, who -- who signed the will -- the testator. House Bill 20 makes the statute of limitations run from the date that they sign it even though they haven't died. So there's a two-year statute from the date of execution, but no longer than six years. So if the person lives longer than six years and the will was erroneously drawn, you can't sue the lawyer for malpractice.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Parker. Oop. I'm sorry. Senator Geo-Karis.

SENATOR GEO-KARIS:

I know of a case where a very big trust company did a trust and instead of using the term decedents, used dependents, which made a big, big, big difference to the trust. How do you take care of those things, when the trust -- when a trust company draws a will?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman.

SENATOR BERMAN:

Under this bill, 1023, the party would know that they ought to take that trust agreement into a -- either the same or a different lawyer, review it within five years, so that they don't wait until the person dies and then they don't have any recourse. This is an ounce of prevention, versus a -- not a pound of cure, but a -- a litigation. This is good to eliminate malpractice suits, by making the consumer aware of the time limit involved.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Parker.

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SENATOR PARKER:

Thank you, Mr. President. I just have a simple question. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield, Senator Parker.

SENATOR PARKER:

What was the Senate bill number before, and what was the roll call? How many people voted for or against it last time?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman.

SENATOR BERMAN:

It was Senate Bill 989. The vote was 51 Ayes, 3 Nays.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Collins.

SENATOR COLLINS:

Senator Berman, under your bill, when they take the will back -- let's -- let's assume you drew up my will, five years, I'm going to take it back to you for your review. Will there be an additional charge, each time I review the bill -- you review the will?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman.

SENATOR BERMAN:

For you, No, but for somebody else, I probably would charge.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? If not -- Senator Collins.

SENATOR COLLINS:

So, that's -- that's -- that's a legitimate answer. Now I -- I understand that you're saying that you're trying to protect the consumer, but if they have to go back and if they didn't go back to have it reviewed, and if the law stipulates that -- that there's a -- a -- a statute of limitations there and they don't go

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back, what this bill does is also forces them in -- on one hand to go back in order to -- to -- to -- to avoid a malpractice suit against the person who drew the will. But yet, you've got to pay. You have to -- do you have to pay again? And that's all I wanted to know.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman, to close.

SENATOR BERMAN:

Let me answer -- I'll close and I'll answer Senator Collins. You -- you -- the purpose of this is to make the person who draws the will aware of the time frame in which they ought to review the will. If they don't want to review it, that's their choice, but it's an awareness. It's like the -- it's like the caution on a cigarette, that it's dangerous to your health. If you want to smoke, you can smoke. If you want to take your will back for a review, it at least tells you. Without this bill, without this notice, the person who signs the will is going to stick it in their safety deposit box, if they live longer than six years, if there's an error in the will, they have no opportunity, they have no knowledge that they ought to review it. This is good consumer legislation. It also -- it requires the lawyer to tell the client what the time frame is, so that everyone is aware of it. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall House Bill 1023 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 52 voting Yes, 2 voting No, 2 voting Present. House Bill 1023, having received the required constitutional majority, is declared passed. House Bill 1069. Senator Petka. Mr. Secretary -- out of the record. House Bill 1093. Senator Woodyard. Mr. Secretary,

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please read the bill.

SECRETARY HARRY:

House Bill 1093.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. Most of this -- of this bill, is probably -- could be said as an administration bill. It has three or four different parts in it, I don't know of any of it controversial. In order to -- to make sure that we keep getting federal funding on our wildlife migratory bird harvest, we -- this bill would say that people who hunt migratory birds must register with the -- with the U.S. Fish and Wildlife, their Migratory Bird Harvest Information Program. And that's simply an information collecting mechanism. It also extends the open season for hunting wild turkey and squirrels. The Department did testify in committee on this bill -- on this portion of the bill that they will be very careful not to establish any additional seasons that might reduce the population of the wild turkeys. Then the third portion of this is the Senate amendment that was requested by the Fur Trappers Association, which would allow -- which would allow the trappers to retain green skins on their premises and possession for an additional ten days. I don't know of any objection to the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any...(machine cutoff)...is there any discussion? Any further discussion? If not, the question is, shall House Bill 1093 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,

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there are 58 voting Yes, no voting No, no voting Present. House Bill 1093, having received the required constitutional majority, is declared passed. 1116. Out of the record. House Bill 1119. Senator DeAngelis. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1119.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. House Bill 1119 codifies, by law, the ability of the Board of Higher Ed to set the percentage of waivers across the university systems and also permits them to reduce -- to reduce the appropriation of any university or university system that exceeds that amount. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Any discussion? If not, the question is, shall House Bill 1119 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 58 voting Yes, no voting No, no voting Present. House Bill 1119, having received the constitutional majority, is declared passed.

END OF TAPE

TAPE 3

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PRESIDING OFFICER: (SENATOR WATSON)

House Bill 1212. Senator Peterson. Mr. Secretary, please read the bill. Senator Peterson wishes the bill returned to 2nd Order -- 2nd Reading for the purposes of an amendment. Is leave granted? Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1212. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 4, offered by Senator Peterson.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. Amendment 4 restores a checkoff contribution on the individual income tax return for Special Olympics. This did appear previously, and there was some problems between two Special Olympic organizations that caused one of the problems of not having enough money checked off on the income tax. They are back and united, and they feel that they can make the hundred thousand dollar plus and asked to be reinstated as a checkoff. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 5, offered by Senator Karpziel.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpziel.

SENATOR KARPIEL:

Yeah. Thank you, Mr. President. The -- Amendment No. 5 adds the provisions of Senate Bill 521, which was a technical correction in the Property Tax Extension Limitation. It was a

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provision of the cap legislation that clarified that as TIF districts dissolve, the entire increment shall be treated as new property. Somehow there was a -- just a -- an error; that the Sears TIF in Hoffman Estates was omitted from the legislation, and this just -- just adds that back in.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? If not, all those in favor, say Aye. Opposed, No. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 6, offered by Senator Cronin.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Senate Floor Amendment No. 6 to House Bill 1212 provides that the provisions -- it allows municipalities -- municipalities - only those municipalities subject to the tax cap - to use hotel/motel tax receipt to promote tourism and conventions or for public capital improvements within the municipality. Under current law, these funds may only be used to promote tourism and conventions within that municipality and otherwise to attract nonresident overnight visitors to the municipality. This gives municipalities a little flexibility to use the funds as they see fit, but not too much flexibility. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Severns.

SENATOR SEVERNS:

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

PRESIDING OFFICER: (SENATOR WATSON)



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Sponsor indicates he'll yield, Senator Severns.

SENATOR SEVERNS:

Senator, I've had individuals from my district raising the concern that the tax was passed for the purpose of tourism and -- and convention bureaus to be able to expand their efforts on tourism. Now they're concerned that the base is being eroded. Specifically, their concern is that there'll be an increased hotel tax and an erosion of the funds of the local convention and -- and visitors' bureaus, and place Illinois as a marketing -- marketing plan at a disadvantage. Do you have any response to that?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cronin.

SENATOR CRONIN:

Yeah. I've seen a copy of their flyer, and of course, they want to protect and preserve any dime that they can get to promote their business at the expense of taxpayers. What I'm suggesting is that we give municipalities some flexibility. There are some municipalities in -- in my area that collect a considerable sum of money under this hotel/motel tax, and -- and they don't know what to do with it. I mean, they -- they look for things to do, to spend on. It's -- it's really almost silly, and -- and they would like some flexibility. They -- they understand the original intent of the hotel/motel tax and we're recognizing that in this amendment; that -- that a portion of those monies should still continue to go to the purpose of tourism. But we also don't want to completely limit the use of those monies. You know, if we can improve capital projects in a particular municipality, who's to say that doesn't help tourism. I mean, if we're going to improve a roadway, or an access, or -- ramp to a particular, you know, visitors' center or a sight-seeing place. I mean, they just need a little flexibility, and the use of these monies will be -- will be used well and will help any tourist that comes to visit that

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particular area in any event.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. Senator, I -- I see the same flyer, but I'm not talking about the flyer. I'm talking about the small, non-home rule communities that are struggling to try to increase tourism. I -- I represent Shelby County, for example, and they've been doing everything they can to try to increase the tourism possibilities, and they are very concerned that this is an erosion of -- of the money that they went out to help support its passage, and now, that somebody else wants it, even though the somebody else happens to be municipalities, and that's the concern that I raise.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I don't think this is fair. What we're doing here is making private industry, namely the hotels, lose money that they -- that we have previously given them authority to use to promote tourism, and allowing a municipality to use it -- to take that same money and use it for capital improvements. Now, that capital improvement may or may not benefit that hotel. But tourism is a great moneymaker for this State. It -- it ought to be increased, not decreased. And I think that this is a -- this is tapping in to private industry, private business to subsidize public projects. I think that's going the wrong way. I urge a No vote on this amendment.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Ralph Dunn.

SENATOR R. DUNN:

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Thank -- thank you, Mr. President and Members of the Senate. I agree with the previous speaker. This is taking away money that we raise downstate and statewide for tourism and using it for some other purpose. Southern Illinois right now has enough trouble with unemployment -- with high unemployment because of the coal industry and all the other things we go through, and tourism is kind of a livelihood for southern Illinois, and this seems like an infringement upon that. I, too, would urge a No vote on this amendment if I understand...(microphone cutoff)...right, ...do. It takes away money from our local tourism efforts that we make throughout the State, and particularly southern Illinois. And my district is interested in it. I'd urge a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. We'll keep our remarks brief, but I, too, stand in strong opposition to this amendment. And I would just remind this Body that the second-largest industry in Illinois - the second-largest industry in Illinois - is tourism, and I don't think we should be messing with the second-largest industry in Illinois, and ask for a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Woodyard.

SENATOR WOODYARD:

Thank -- thank you, Mr. President. Well, I guess I stand beside those of you who oppose this. I don't know whether any of the rest of you are getting phone calls from your local tourism bureaus, but I sure am. And I can tell you, they are very vehemently opposed to this amendment.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Fawell.

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SENATOR FAWELL:

Thank you very much. I represented the particular municipality that Senator Cronin is talking about. I no longer represent them, but I know exactly what their problem is, and what he is stating is -- is true. They used to throw one big wingding once a year. I don't know if you've been invited, Senator Cronin, but I was always invited. Around Christmastime, we had several nationwide celebrities come and sing to us, and dance, and -- and it was quite a party. What this mayor is actually asking to do is just take a very small percentage of that tourism fund and use it in a more logical way that would really help his village. And I know there is another amendment coming up, which would limit this to just five percent of the tourism. May I remind those of you who are interested in the circulator, and as Transportation Chairman, I've been getting a lot of information, and frankly, a lot of -- of people coming to the door of my office, telling me what a great idea the circulator is and how, indeed, they have been collecting money from the -- the hotels and motels, and all we have to do is come up with some fabulous sum here from the State and they can have their circulator. Well, perhaps, this might be a way that might help that circulator. Five percent of the -- of the money from tourism in Chicago would -- would help push that thing along a little bit. Might be able to even do it by yourselves. The circulator is - I've been told by everybody that's come down - great idea for tourism. It'll get those tourists all around the City of Chicago. Just think, if you pass this bill, there you are Chicago, you're all set.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Tom Dunn.

SENATOR T. DUNN:

Thank -- thank you, Mr. President. I have a conflict on this and will not be voting.

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PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you very much, Mr. President. Ladies and Gentlemen, when we think of a tax like this and it's used for tourism, I'm sure we can -- we can imagine something that -- to -- to advertise for. I had looked at this some time ago, and several mayors pointed out to me that -- that a -- a motel or hotel would come to their town and, really, they don't have any opportunity for tourism. One of them said, "I might invite them to look at our water tower, or our stoplight in town." But other than that it's ridiculous to think of this in terms of promoting tourism. Also keep in mind that often in these smaller towns when a motel or a hotel locates there, there is a tremendous expense in infrastructure that takes quite a while to recapture. And all this does is speed up that recovery time and allow them to use the funds to -- to pay for the infrastructure, and then later on, if they find something to promote, another stoplight or a new water tower or something like that, they will have the funds. So I would -- I think it's a good idea, and I'm going to vote for it.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I would only point out to the Members that this is what we're going to be involved with in the next week if we don't hew to our policy of -- of not reintroducing amendments which have already failed in this process. This amendment was part of an overall package that was part of a non-home rule, Municipal League package that was well-negotiated, I think by the previous speaker who came out with a bill that we voted in, but because of the overwhelming opposition to this provision it wasn't in that final package. And, you know, we're

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going to see a lot of things coming back from the House and elsewhere, but we have a lot of other important business to do, and if we keep bringing these things back that have already been defeated, it's really going to bog this process down.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Rea.

SENATOR REA:

Thank you, Mr. President. I rise in opposition to this amendment. We talk about tourism being a very important component of economic development in the State. We are growing more all the time. It's -- it is playing an important part. We're trying to diversify our economy. In many areas where we've lost jobs, this has been one way of diversifying and to help, and the monies that we have received have gone for a -- a good cause. A fact is we just don't receive enough money right now to do the job that's needed in marketing and promoting tourism, and this would take away even more, so I strongly oppose this amendment.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President. I rise, also, in opposition to this amendment. The area that I serve, the 56th District, is trying to encourage tourism to the highest extent. We have some historical areas in the -- in the district that we are attempting to develop, and I have been very, very heavily lobbied by the entities that have an interest in developing that tourism, and I would recommend a negative vote on this amendment.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Seeing naught, Senator Cronin, to close.

SENATOR CRONIN:

I -- I sense there's a little opposition to this amendment, so

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I'd like to take it out of the record. I -- I should have done it earlier. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Yes. Thank you. Do you wish to table it or withdraw it?

SENATOR CRONIN:

Whatever your recommendation is to put it to rest.

PRESIDING OFFICER: (SENATOR WATSON)

We'll table that. Motion to table by Senator Cronin. All those in favor, say Aye. Is there any opposition? Your motion is adopted to table the amendment. Any further Floor amendments, Mr. Secretary?

SECRETARY HARRY:

Amendment No. 7, offered by Senator Parker.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President. This simply creates a checkoff form for mental health research. This is a new -- new checkoff that would be on the form. It has not been tried before. I would remind you that this was a Senate bill. It passed out of here with no opposition. It has gotten held up in the House Rules Committee. And so, Mr. Peterson -- Senator Peterson has been kind enough to offer for me to put it on this bill.

PRESIDING OFFICER: (SENATOR WATSON)

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

SECRETARY HARRY:

Amendment No. 8, offered by Senator Carroll.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Carroll.

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SENATOR CARROLL:

Thank you -- thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 8 would add to the tax checkoff system children's cancer research, so that it will allow people to check off on their tax return the ability to fund research into causes, prevention and treatment of cancer in children, and I would answer any questions. Ask for its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing naught, all 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:

Amendment No. 9, offered by Senators Jones and Smith.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. Amendment No. 9 creates the drug abuse prevention income tax checkoff, and also creates the Drug Abuse Prevention in Illinois Fund. And what it does, the contributions to the Fund would be appropriated to the Department of Alcohol and Substance Abuse. This is a -- a creative idea that came out from Father Clements on the One Church/One Addict, and it allows those persons who are community-based -- those organizations that are community-based to deal with drug prevention in Illinois, and I know of no opposition and ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing naught, the -- all 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:



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Amendment No. 10, offered by Senator Peterson.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. Amendment 10 would limit the amount of hotel/motel tax receipts to be used for capital purposes to five percent of such receipts.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? The motion is -- all those in favor, say Aye. Opposed, Nay. Senator Dunn. Ralph Dunn, for what purpose do you rise?

SENATOR R. DUNN:

Are we not just revisiting the bill that we tabled a while ago? I would urge a No vote on this. Or...

PRESIDING OFFICER: (SENATOR WATSON)

Well, let's...

SENATOR R. DUNN:

...maybe -- maybe withdraw it.

PRESIDING OFFICER: (SENATOR WATSON)

No.

SENATOR R. DUNN:

Be a nice death -- burial for it.

PRESIDING OFFICER: (SENATOR WATSON)

Let's have a response from the sponsor. Senator Peterson.

SENATOR PETERSON:

Mr. President, point of inquiry. I thought that Amendment 6 had been adopted. It was tabled?

PRESIDING OFFICER: (SENATOR WATSON)

Yes, sir.

SENATOR PETERSON:

Then I withdraw the amendment.

PRESIDING OFFICER: (SENATOR WATSON)

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Amendment No. 10 -- motion is to withdraw Amendment No. 10. All those in favor, say Aye. Opposed, Nay. The motion carries and the amendment is withdrawn. Are there any further Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 11, offered by Senator Klemm.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President and Members of the Senate. Amendment No. 11 converts the High Impact Business building materials tax credit to be a tax exemption. This will make that provision, then, consistent with the Enterprise Zone Act, which is also an exemption. The amendment is revenue-neutral. I want to thank the Department of Revenue and the Governor's Office for working this out. What happens is that, if you don't have this, you have to submit all little tax receipts from every subcontractor under the Building Materials Act, which is almost impossible. And this would, at least, simplify it and standardize our provisions to make it consistent with current law, and I ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading -- 3rd Reading. House Bill 1246. Senator Karpel. Out of the record. House Bill 1248. Senator Hawkinson. Out of the record. House Bill 1268. Senator Hawkinson. Out of the record. House Bill 1363. Senator Garcia. Mr. Secretary, please read the bill.

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SECRETARY HARRY:

House Bill 1363.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. House Bill 1363, as amended, essentially does three things. It requires the Department of Public Aid, by rule, to establish policies and procedures under which local units of government that do not receive State funds for general assistance purposes may refer individuals for participation in Earnfare Programs operated in the same unit of local government that receives State funds for general assistance purposes, without displacing other recipients, provided Earnfare slots are available. Per Amendment No. 2, it allows the Department of Public Aid to try to deal with individuals, particularly, AFDC recipients who have not obtained a high school or equivalency certificate, and who are at least nineteen, but not more than twenty-five years of age, to negotiate a written family self-sufficiency contract with the DPA as part of the welfare reform initiatives. And per Amendment No. 3, which was approved yesterday on the Floor, it establishes a two-year demonstration project in Cook County and downstate to permit AFDC recipients to maintain self-sufficiency and self-development accounts, which shall not exceed five thousand dollars.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 1363 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, 1 voting

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No. House Bill 1363, having received the required constitutional majority, is declared passed. House Bill 1459. Senator O'Malley. Senator O'Malley. Mr. Secretary, please read the bill.

SECRETARY HARRY:

House Bill 1459.

(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. House Bill 1459 amends the School -- School Code. It defines residency for public school students. Allows school districts to conduct hearings to determine residency. Also provides that any student found to be a nonresident may be charged tuition by the school board. Provides that any person who knowingly enrolls, or attempts to enroll, a student who is not a resident on a tuition-free basis shall be guilty of a Class C misdemeanor. There was a committee amendment that removed opposition to the bill, and which makes the following changes: One, it removes the restriction that the residence of the person who has legal custody is the residence of the pupil; it substitutes parent, guardian, legal custodian or other adult caretaker language for the person with actual legal custody of the pupil; it clarifies that the burden of going forward with evidence of residency is on the parent, guardian, custodian or other adult caretaker; and clarifies that if the student is found to be a nonresident, the board must deny attendance at the school unless the tuition is paid. Again, the amendment was offered to address the concerns of the Legal Services Support Center, and I'd be happy to answer any question there may be.

PRESIDING OFFICER: (SENATOR WATSON)

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Is there any discussion? Senator Trotter.

SENATOR TROTTER:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield, Senator Trotter.

SENATOR TROTTER:

Senator O'Malley, is this -- oh, I'm sorry. Did you say -- we heard this bill before. Correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

You -- as a matter of history on this bill, this bill was considered before -- substantially a similar bill, Senate Bill 814 sponsored by Senator DeAngelis, and during the 88th General Assembly I actually had a bill that addressed the same issue that was never call for a vote in the House.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Trotter.

SENATOR TROTTER:

Yes. This is the bill that makes criminals out of the parents whose children attend schools in the suburbs, or schools out of their district. No?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Trotter, no it doesn't do that. What it does is, it says that if you knowingly provide false information in order to admit a -- admit a child to a school where they are not a resident, that you could be guilty of a Class C misdemeanor.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

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Is -- is that a criminal offense, or...

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Is -- is a -- is it a -- is a misdemeanor a crime? Yes, it is.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

So the answer is, this is a criminal offense, and we are making the parents into criminals who are sending their children to school. So that the answer is yes, that this does make it a criminal offense. Even so, that -- just to the bill: We've heard this bill before. It was a bad bill in the 88th General Session. It was a bad bill the last time it came up when we tried to send it over to the -- to the House. The deal is, this is a bill that -- it has a double whammy for parents who are trying to educate their kids. One, it says that they have to pay the tuition that is there, and also pay more -- a percentage of the interest is on that tuition, as well. And then secondly, it makes them into criminals. I think this is a very punitive bill just for -- for people who are trying to educate their children and get the best education they can for their children, and we certainly shouldn't be making their -- their parents, who is just trying to do what you do for your children, into looking like crooks. I mean, again, it's -- it's not -- I don't think this General Assembly's idea to make them be looked at in that posture by their children. And it's a bad bill and we should vote it down.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Yes. I'll be brief. This apparently is being -- apparently

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we're here and I guess our bill was bogged down over in Rules Committee. If the Senator would yield. Is that where Senate bill wound up? In Rules Committee of the House?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Molaro, I -- I understand that it is in the Rules Committee, still. That's based on the latest information we have.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Molaro.

SENATOR MOLARO:

I -- I don't know if they're getting wiser over there, or if they're just -- what the problem is. Anyway we debated this bill before. I'm not going to keep debating it. It's one of those things where we have -- we have a parent looks at the school district he's in; schools going down hill, trying to get in somewhere else, and the parent will say, "Okay. Uncle John lives here. Let's use Uncle John's address." They're staying up at night worried about their child. Sure it shouldn't be done. If we find out, I guess we have to send the kid back, but to actually say in addition to that, we're going to charge them with a Class C misdemeanor, which is punishable by thirty days in jail. I don't think that's the message we want to send. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield, Senator Collins.

SENATOR COLLINS:

Senator, what happens when parent have a divorce and they're -- they have joint custody of the kids, but the kid -- right now

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we have judges -- and -- and it should not be done that way, but we'll say that a kid can live with one parent one week, another parent the next week. On parent live in one school district, and the other one live in another district. What happens under this bill, and where does those children legitimately belong when it comes to the school district? And would they -- would the parent, in this case, be penalized and which one would be?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

First of all, let me say directly from the bill, within ten days after receipt of the notice the parent, guardian, legal custodian or other adult caretaker of the pupil, that language is in the bill, which says the it's one of those four. The other thing I would offer to you is that in the proceedings where joint custody is established, that is something that can be addressed right in the -- in the -- in the order granting joint custody. That's up -- that would be up to the parties to -- to provide for that.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Collins.

SENATOR COLLINS:

Senator, I understand that. I'm not talking about the provisions of joint custody. I'm talking about the fact that a situation where in my -- in my case I know for a fact that there's a divorced couple, one live in the Village of Oak Park and the other one live in Chicago and the kids have domiciled with the -- with the father in Chicago, but actually spends more in joint custody time with the mother in the Village of Oak Park. So the question is, because the children are domiciled is Oak Park and they spend more -- I mean, they're domiciled in Chicago, but they spend more time with the parent in Oak Park - if they wanted to go



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to Oak Park School, would they be in violation of the law? That's what I'm asking you. Does this bill cover in that case?

PRESIDING OFFICER: (SENATOR WATSON)

Senator -- Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Senator Collins for that -- that question, because I think it's probably good for everybody to think about those peculiar circumstances where somebody could be affected by this. What's provided for in the legislation is an opportunity for a hearing, and many of the -- the considerations that you just raised would be considered by the school board at that time to -- to make a determination whether or not that -- that -- the child could be considered a resident for those purposes.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any further discussion? Seeing naught, Senator O'Malley, to close.

SENATOR O'MALLEY:

Well, I won't belabor this, because we've had a lot of discussion this afternoon, not only about this bill, but many of Senator Cronin's bills. But I would tell you that some of the opposition that I hear on the other side of the aisle, I was wondering, where were you guys when we were talking about choice bills earlier this year? you -- apparently your idea of choice is you can elect to go to any school that you want to go to in the State, and you can do it illegally and not pay tuition or whatever, as long as you make that decision. All this bill says is that if you want to attend a school, that you -- you better be a resident of that school, because that's the fair and right thing we should be doing for the property tax payers in that district. I would ask for an affirmative roll call. I'd appreciate your support, and I -- I'm sometimes -- sometimes hesitant about saying this, but before this bill had the amendment that was put on it

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that -- that eliminated, I think, some legitimate concerns about the bill, before that was done, and the House considered it, 106 votes over there were in favor of it. I think this is a good bill. It's appropriate. We have -- this is the third time we have looked at this issue. It's about time we addressed it. At least in the suburban areas that I represent, this is a major concern. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Question is, shall House Bill 1459 pass. All those in favor, vote Aye. Opposed, vote No. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 37 voting Yes, no -- 17 voting No, no voting Present. House Bill 1459, having received the required constitutional majority is declared passed. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Thank you, Mr. President. We'd like to request a Democratic Caucus immediately.

PRESIDING OFFICER: (SENATOR WATSON)

That request is in order. Senator, how long would you like?

SENATOR DEMUZIO:

May 31st -- half hour would be enough. Half hour.

PRESIDING OFFICER: (SENATOR WATSON)

We will reconvene at 3 p.m. Senator DeAngelis, for what purpose do you rise?

SENATOR DeANGELIS:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Please state your point.

SENATOR DeANGELIS:

In the gallery behind us are the students from the Independence School in my district. Would they please stand and

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be recognized - with their instructors.

PRESIDING OFFICER: (SENATOR WATSON)

Welcome to Springfield. Senator Donahue, for what purpose do you rise?

SENATOR DONAHUE:

Well, thank you, Mr. President. I, too, would like to request a Republican Caucus in James "Pate" Philip's office immediately.

PRESIDING OFFICER: (SENATOR WATSON)

Is thirty minutes sufficient, Senator? Thirty minutes sufficient for the Republican Caucus? We will reconvene at 3 p.m. We stand in recess.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WATSON)

The Senate will reconvene. Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. McLennand, Clerk.

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

Senate Bill 50, together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendments 1, 4, 7 and 8.

We have like Messages on Senate Bill 86, with House Amendment 1; Senate Bill 114, with House Amendment 1; Senate Bill 158, with House Amendment 1; Senate Bill 165, with House Amendments -- or,

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with House Amendment 4; Senate Bill 327, with House Amendment 1;  
and Senate Bill 1142, with House Amendment 1.

All passed the House, as amended, May 18th, 1995.

PRESIDING OFFICER: (SENATOR WATSON)

Like to urge all Members to return to the Floor. We are on  
3rd Reading, House Bills, on page 9. House Bill 1462. Senator  
Parker. Out of the record. House Bill 1470. Senator Cronin.  
Out of the record. House Bill 1498. Senator Geo-Karis. Mr.  
Secretary, please read the bill.

SECRETARY HARRY:

House Bill 1498.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. Chairman -- I mean, Mr. President and Ladies and Gentlemen  
of the Senate. This is a bill that cleans up some ethics problems  
that we have and it's -- prohibits Members of the General  
Assembly from accepting honorariums, and it provides -- extends  
the campaign contributions and expenditures disclosure reporting  
requirements to any person who seeks election as a ward or  
township committeeman in Cook County. Under current law, ward and  
township committeemen in Cook County and precinct committeemen in  
the rest of the State are exempt of disclosure requirements of the  
Election Code, and the -- we cleaned up the per diem requirements  
by stipulating that no allowance on the -- we tightened it up. As  
you remember we said no per diem after the end of May, and we --  
and we reinstated the General Assembly scholarships in this bill.  
And we also extended the Municipal Code's Purchasing Act  
provisions, for cities of five hundred thousand or more people, to  
purchase orders and contracts for airports, as well as any other

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municipality of over five hundred thousand. And we also stipulated -- we have an -- the -- created the Local Government Officer Compensation Act, which requires that compensation of elected officers of school districts and units of local government, including home rule units, should be fixed at least a hundred and eighty days before the beginning of the officials' terms, and after that time no new compensation may be set for the upcoming terms. So I ask for a favorable vote. If you have any questions, here I am.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Berman.

SENATOR BERMAN:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield, Senator Berman.

SENATOR BERMAN:

According to my analysis, Senator Geo-Karis, it requires that persons submitting a bid in excess of ten thousand dollars for any contract at O'Hare Airport to disclose the name of each individual having more than a seven-and-a-half percent interest in the business or if unincorporated the name -- of if incorporated, the names of its officers and directors. Is that provision still in this bill?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Yes, sir, it is.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman.

SENATOR BERMAN:

Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

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Senator Berman.

SENATOR BERMAN:

Senator, does this apply also in this bill to the DuPage County Airport?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

No, I don't believe it does, but that...(microphone cutoff)...under investigation right now, as you know, by the federal government.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman.

SENATOR BERMAN:

Does it apply to the -- to any other airport in the entire State of Illinois?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Yes. To Meigs and Midway.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman.

SENATOR BERMAN:

I'm sorry. I didn't hear the answer.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

To Meigs and Midway.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman.

SENATOR BERMAN:

So let me understand, that under this bill, any bid in excess of ten thousand dollars on a contract dealing with Meigs Airport

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in Chicago, Midway Airport in Chicago, and O'Hare Airport in Chicago there has to be this disclosure of ownership and officers and directors. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Yes, because the law already says, for instance, for cities of over five hundred thousand or more that they have this restriction -- this -- this -- they have this statement in it.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman.

SENATOR BERMAN:

Could you explain to me why this is included in this bill?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I think it's for better government, because these airports do have a lot of contracts. An awful lot of contracts, and it is taxpayer's money, and I think it's only right that since they have monies of more than ten thousand dollars to expend, I think we should know something about them.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Berman.

SENATOR BERMAN:

Would you be amenable for -- to an amendment? Hold the bill and allow an amendment for every municipal airport throughout the State to have the same requirement. Would you hold the bill for that amendment?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Senator Berman, as you know, this amendment is going --

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goes -- the bill, as amended, will have to go back to the House, and if the House wishes to do something about that I have no objection.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Berman.

SENATOR BERMAN:

Well, the problem, Senator Geo-Karis, is that if this bill, with this amendment, it's now 3rd Reading, passes out with the status that it has, all that the House can do is either accept or reject the amendment. They're not going to put another amendment on the bill. So the only opportunity that we would have to be fair, in the name of good government, for every airport in the State of Illinois, would be to hold this bill, allow us to introduce the amendment, put the amendment back on and then send it to the House for their approval. So let me just renew my request that you would take this out so that we can put an all-airport amendment on the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Garcia.

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she will yield.

SENATOR GARCIA:

Senator Geo-Karis, I'm a Democratic ward committeeman of my 22nd Ward in Chicago, and I note that one of the provisions of the bill is for ward and township committeemen to report what they have in their respective funds. Can you share with me when the effective date would commence on these and how often that requirement would have to be upheld?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.



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SENATOR GEO-KARIS:

Bill would be effective immediately upon signature by the Governor if he approves the bill. And if the amendment's accepted by the House after the -- accept by the House. However, you will be subject to the same provisions that's already in the Election Code, which I believe is if you have more than a thousand dollars that you collect, or something, you'd have to make a report.

PRESIDING OFFICER: (SENATOR WATSON)

Further -- further discussion? Senator Garcia.

SENATOR GARCIA:

Senator, on -- changing gears slightly, with respect to honoraria does this apply to type of an honorarium that one would get or simply from not-for-profits or anyone?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

It applies to any, but there is an exception. The exemptions are any charitable contributions made on or behalf of a member, an agents fee or commission, and -- and the report of campaign contributions are exempted.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Garcia.

SENATOR GARCIA:

Are there any provisions in the bill, Senator Geo-Karis, that would affect local school council members?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I don't think so.

PRESIDING OFFICER: (SENATOR WATSON)

Senator...

SENATOR GEO-KARIS:

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Because the -- the -- I don't think so.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Garcia.

SENATOR GARCIA:

One last question. Regarding the per diems - that no per diems can be collected after June 1st - what about those Members of the General Assembly who are Members of the working class or the lower middle class, like myself, who have to be here beyond June 1st, no fault of our own, would we also be precluded from collecting any per diems?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

If you have to come here after the Session is over, do some work on behalf of you district, you would be entitled to per diem for that day. But -- and if you have to come here if -- on a special session you have to be entitled to a per diem that day.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Viverito.

SENATOR VIVERITO:

Yes. Would the sponsor yield to a question?

PRESIDING OFFICER: (SENATOR WATSON)

She indicates she'll yield, Senator Viverito.

SENATOR VIVERITO:

I've been a Democratic committeeman in Stickney Township for twenty-five years, and we have a monthly meeting for the past twenty-five years, except during the summer, where we discuss all of our particular funding and how it's funded and the moneys that we've raised. This is another responsibility now, that we have to file with the State Board of Elections. You know, we're -- we're getting so bogged down, I almost have to hire a CPA to figure out what I'm supposed to do. And as a Democratic Committeeman I know

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my role, and I know my responsibility. Why are you doing this?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator Viverito, right now as -- as a Senator, you have to disclose your contributions over a thousand dollars. You would only have to do the same thing as a ward committeeman. We're not asking you not to have your meetings or anything like that. It just -- same disclosure you would have to make as you do now as a State Senator.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Viverito.

SENATOR VIVERITO:

Do the -- in DuPage and other particular counties, do they also have to have a same type of disclosure that you're asking us for in the city as well as Cook County?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

We don't have ward committeemen and township committeemen as you have in DuPage and Lake. We don't have ward committeemen.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Viverito.

SENATOR VIVERITO:

Thank you. Don't you have some type of a similar role and responsibility to lead the township? Maybe it's called something different. Chairman. Does the chairman disclose his particular funds?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

If the chairman -- first of all, the chairman in our county

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doesn't have any particular funds that I know of, and I know in Lake County our precinct committeemen are elected, as you know. And the chairman -- the township chairman is elected by the township precinct committeemen. So I can assure you, I've been a township chairman and I had no funds. Whatever I had, I gave of my own to help my committeeman.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Viverito.

SENATOR VIVERITO:

...(microphone cutoff)...question, and that is, why not blanket us all in and make it statewide where the disclosure is for everyone participating in anything that's political, and I think that would be a good way to do it. Thank you very much.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I want to compliment Senator Geo-Karis. This is an excellent bill. And in response to Senator Viverito, township chairmen who are the equivalent in the downstate and collar counties of the Cook County Township committeemen do have to file with the State Board of Elections. Right now, in all hundred and two counties in the State, as I understand it, those township chairmen have to file. In Cook County, township chairmen are called committeemen and they do not have to file, and so this is a -- a glitch in the law which exempts what our -- what most of you know as township chairmen from the filing requirements, and simply we're extending to Cook County what is the law in a hundred and two other counties in this State. Finally, also in this bill is legislation which will end what we discussed a couple of weeks ago in this Chamber, and that is the practice of postelection, midnight pay raises that have been voted in several municipalities in this State and in --

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in at least one home rule county in this State in recent months. There is much discussion in this Chamber. Some people said that they could not vote for the bill that we previously had, and Governor Edgar vetoed the bill we previously had, because they saw it was retroactive and they thought that that was unfair and it was intended to single out the pay raises in Chicago. Many of you indicated that you would support the legislation if it were brought back and made prospective only. Senator Geo-Karis' bill ends the practices of postelection, midnight pay raises, and it does so only prospectively. This is good government, and I hope all of you will vote in favor of Senator Geo-Karis' bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Shaw.

SENATOR SHAW:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield, Senator Shaw.

SENATOR SHAW:

Senator Geo-Karis, the -- you might not have what they call as ward committeemen in counties outside of Cook, but you do have what's called -- an elected position known as precinct committeemen. Does this apply to the precinct committeemen?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

This bill does not apply to precinct committeemen. I happen to be a precinct committeeman, myself. It does not apply to precinct committeemen.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

Why would this apply -- are you elected by the people?

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PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I'm elected by my precinct.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR GEO-KARIS:

By the people in my precinct. Yes, sir. And I -- I have to file a statement and everything else with the county clerk.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

But -- but not as a precinct committeeman?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I'm sorry. What was your question?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

But not as the precinct committeeman. You don't have to file a ethics statement as a precinct committeeman do you? You file that as Senator and whatever other position you have.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

That's right, but I also have to file a statement of -- of office, as a precinct committeeman.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

All right. The county chairman that you elected, Democrat --

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Republican precinct captains meet and elect as your county chairman, are they included in this bill once you have elected those people as -- as the county chairman. Are they exempt under this bill? Or are they -- or does this bill cover them?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I know that our township chairman, if they raise any money, have to file, and if the county chairman gets any money passed a thousand dollars it would be my feeling that he would have to file, too.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

In the -- in this legislation do you specifically, and I don't see it here, do you specifically name the hundred and one counties outside of Cook, and specifically talk about the county chairmen? Why are we exempting the county chairmen in other counties if we -- if we're interested in good government?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

We're not dealing with that at all, because we're dealing with Cook County, because that's the largest one. We don't have that same problem with the others.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

Well, to the bill: I don't know what problem that you have in Cook County that the -- that the -- that you wouldn't have in these other counties, but if you're interested in good government, and if you -- and I -- I believe your intention is to bring about

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good government. But if you're interested in good government, there as it applies to ward committeemens in Chicago and in Cook County, you should have good government in the hundred and one other counties as it relate to the county chairmen. Could we have some order here, Mr. -- Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Excellent suggestion, Senator Shaw. Let's give the gentleman some attention. Thank you.

SENATOR SHAW:

It's -- it's not good government when you single out one section of the State and talk about good government, which is Cook County. We want the ward committeemens in Cook County to file ethics statements and all of that, and we have a hundred and two county chairmens who is elected by the precinct committeemens all across this State, both Democrat and Republican, and you don't include them in this bill. That is not good government. If you really want to be serious and bring about good government, I think that those people should be included and certainly I would support a bill like that. And there is a number of things in this bill that I would support if you included everybody, but I think the bill is discriminatory in terms of the singling out Cook County as it relates to filing a ethics statement and you want to exempt people outside of Cook County and let them run at will. And I think that's unfair to the people of this State. And I don't believe that you can go and sell this to the other people of this State that you -- you all are trying to pass good government legislation when you're not including everybody. If I -- if the county chairman in Will County up there could elect <sic> a hundred and fifty million dollars, wouldn't have to report it. And I know the county -- various county chairmens around this State have fund raisers. But they are not included in this bill. That is unfair, and I think you might want to rework this bill and



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put everybody in it where that people can vote for it.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you very -- thank you very -- thank you. Thank you. Thank you very much, Mr. President. Senator Geo-Karis, I think there's one part of this bill that's kind of insulting, and that is the question about whether or not we should not collect per diem after May 31st, because it implies that we're down here because of the eighty-one dollars, or at the same time it implies that we would give up the principles that we're arguing about in the budget simply because we have to pay eighty-one dollars a day. And I think in a sense what -- this is an attempt to kind of pander those who write that we stay down here for weeks at a time simply to collect eighty-one dollars a day. Well, I don't like to be down here, and eighty-one dollars is hardly a -- a good payment, or an exchange for being away from my home and family. My -- I just feel that what we're asked -- being asked to do is to stay here, take the eighty-one dollars out of our own pocket simply because we're here because we like to be here, or we like to argue over the budget, and we can't come to some conclusion. I know it's in the bill, but I -- I really think it's, not only insulting, but it panders to the wrong -- to the wrong people.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she will yield, Senator Jacobs.

SENATOR JACOBS:

Senator Geo-Karis, in the issue of the honorarium does that

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include expenses also? If you were to receive expenses to go to Washington, D.C., to make a speech on certain issues. Does that include expenses also?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

You would be entitled to get actual necessary travel expenses.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jacobs.

SENATOR GEO-KARIS:

And -- for you and one relative.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jacobs.

SENATOR JACOBS:

Thank you. At least that clears that up. Now, as far as the per diem after May 31st, if we come down after May 31st for Session do we receive travel expenses?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Yes, you would, because that would be a normal. It -- if it'd be a special session, for example, you would have to come here for the special session. You would be entitled to your normal per diem and your travel expenses.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jacobs.

SENATOR JACOBS:

The reason I raise that question, we are being sent home this weekend, which I'm very glad to be going home. The State will pay me more for going home than it will for staying, and if push comes to shove, and if I desire to, then, for any Session after May 31st, I'll just drive down in the morning and I'll drive home at

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night, and I'll get ninety-nine dollars instead of eighty-one. You know, that -- that seems to make a lot of sense to me, but I just think that we're going in the wrong direction. I think we're pandering to the media and I think it's one we ought to quit doing and I ask for a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor will yield, Senator Hendon.

SENATOR HENDON:

Senator, I wanted to make it clear that I have no problem with shining the light on O'Hare and those contracts. I would really vote for that easily if it was not in this bill, but my question is on the scholarships. Are taking away the legislative scholarships still in this bill?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

No. I put them back in. Support my bill now.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hendon.

SENATOR HENDON:

Okay. The scholarships are back in. Well, that's good news. My only other concern was that of the ward committeemen funds. As you know, I am a ward committeeman, and you do not get paid to be a ward committeeman. I don't get any salary at all, and like you say, most of the times I put money in myself. I just didn't -- I had a problem with us having to report and -- and go under the same requirements as -- as candidates, because often, you know,

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what little you can raise you end up spending it on other candidates as well, but I am pleased that the scholarships are -- are back in here, and having -- knowing that then I -- I think I'm now neutral on the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Members of the Senate. I must -- have to correct the statements made by the sponsor and other speakers on the political funds side. I don't believe it was intentional, but it was absolutely inaccurate, incorrect and wrong, to give you three choices. In fact, what happens in Cook County, and you've heard from other committeemen on the Floor, any of us who have ward organizations who do any activity on behalf of a candidate for office, all have accounts that are disclosed under the election law. The Cook County Democratic Party, of which I am treasurer, I sign the report every election cycle. Those are reported funds. There is no question on that. The question is, why does a township chairman in DuPage or elsewhere, a county chairman in DuPage or elsewhere, a precinct committeeman elected in areas outside of Cook County who are running for party office, spending funds for party-only purposes, under this legislation they do not have to disclose any moneys they raise or spend for Republican Party, or, if appropriate, Democratic Party purposes, either to be elected as a precinct committeeman, to seek election or support party candidates for party office as a township chairman, party office or party candidates as the Republican county chairman of DuPage County. Those would be secret from any disclosure. That's what's under this bill. Currently any ward, township or -- or the county organization in Cook must, in fact, disclose those funds that are used for the election of candidates just like you and I have to disclose for ourselves. On another

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issue, I notice in the honorarium that you cannot take an honorarium, but you can direct them to give it to your political committee, and then your political committee can decide to give it to you and you pay taxes on it. So this allows that kind of circular way to get the funds for those people who have to disclose, who wanted to use that type of technique. I think there are other items in here also that have not been correctly stated. I think it is important to recognize that those who want to be township chairmen, county chairmen downstate, or precinct committeemen and raise funds for those purpose would, by this Act, be exempt or continue to be exempt and I think that's wrong.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. I think that, at least for myself as a Chicago and a Cook County legislator, elected official, I think that the sponsor should be commended for her efforts. Especially in the -- in the portion that says that the -- the disclosures by the ward committeemen will now be required. A previous speaker mentioned that ward committeemen now disclose their contributions or their -- their expenditures on behalf of candidates. The fact of the matter is, that in Chicago, in Cook County, the aldermen, the legislators, the circuit court judges and the commissioners, almost everyone who is elected to any type of office is required under law to disclose their expenditures and their -- their dollars that are coming in. In my experience, and I think anybody who would go and seek the -- the records of these ward organizations with the -- with the Board of Elections or -- would find that they are negligent in their reporting procedures. If there is a requirement they're not following it. I -- I welcome this -- this part of the legislation. In -- in Chicago some of the ward organizations have some of the biggest

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fund-raising events of the year, and they benefit for their organizations. I think they should be able to -- or, they should be required to disclose their dollars - where they come and where they go.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Jones.

SENATOR JONES:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Yes. The sponsor indicates she'll yield.

SENATOR JONES:

Senator Geo-Karis, on the per diem that the Members spend, and I'm following up on what Senator Butler had to say, what is the purpose of that per diem that the Members receive while they're in Session in Springfield?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

They get the per diem to help them in their hotel expenses and their food. That's what we're supposed to get it for.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jones.

SENATOR GEO-KARIS:

...and our expense...

SENATOR JONES:

Well, Senator Geo-Karis, I know you stay in one of the luxury hotels here, and everything. Could you tell me how much -- how much -- how much is the rent, the average rent a legislator would pay when they are down in Springfield, and what is the average cost of their meal?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

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SENATOR GEO-KARIS:

Well, I can tell you that it does into the eighty-one dollars quite extensively. And the fact that I stay at what you call a luxury hotel, if you can get me one that's -- that has the handicap facilities that that one has, I'd be glad to stay if it's a nice, clean hotel. And certainly, I can't say that I make any money on my eighty-one. I usually have to supplement it, but in all due respect, the taxpayers are entitled to an accounting. And that's what this bill does.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Yes, Senator Jones.

SENATOR JONES:

Well, I just said that in jest about the hotel, but what I want to point out to you is that the mixed signal that this bill sends, and that is the per diem is not something that legislators have to put in their pocket as income. It take care of expense here. Now, you know according to the rules that the Membership -- the Membership of this Body do not determine as to what days we are in Session. You -- we serve at the will of the presiding officer, which is the President. If he decided he want to punish you, he would keep you in after October <sic> the 31st, and you would have no choice but to come in, and as a result you would not be -- be paid for this. As a member of a body, this is a wrong type piece of legislation for the Member to be supporting, because they do not control the times that they are in Session. And you voted for these rules, but you have -- you have sacrificed your rights to the President of the Senate, and if he wanted to punish you as he's done in the past, then he'll keep you in after June when you have to -- forced to pay it out of your pocket. But Senator Butler is absolutely correct. This should not be in the bill, because you're sending the wrong signal, and I think if you want the ward committeemens, the Cook County Democratic

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Organization to file those financial disclosure, I think the same should be true for those elected committeemens in DuPage and all across the State of Illinois. They should also file. As relate to -- as relate to O'Hare Airport, the continuing assault on that beautiful -- beautifully fine run facility, I see nothing in this bill, absolutely nothing, when you talk about ethics, when you talk about taxpayer dollars, how come something is not in this bill regarding that thirty million dollars that the Treasurer just gave away? We -- we need ethics there, as well. So let's quit playing politics with legislation, and if you -- if you are sincere, Senator, as I know most times that you are, then you would -- you would include DuPage County and all the other counties and precinct committeemens around the State who have the capacity to report, I mean to get money, but don't have to report one dime.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield, Senator Collins.

SENATOR COLLINS:

Senator -- Senator Geo-Karis - and I want you to listen very carefully at my question - we -- when the Session end on May -- May 30th, or whenever, and -- and I'm out of Session until October next year, and I'm called upon by many groups to do training seminars, to do lectures, to serve on panels, to travel not only -- not only in Illinois, but outside of the State of Illinois, I am paid expenses and I'm paid an honorarium. And I report it on my income tax. I do not have another job. I'm not employed no other way. This is considered, I guess, as a part-time employment here. Other people get out, they practice law, they make money in



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-- teaching school and they do other kinds of things. I make money by doing various kinds of training, lectures, speaking, traveling, not only in Illinois, but outside of Illinois. Tell me in what way -- in what way does my activities strike of impropriety or is in any way unethical.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, it says honorarium is defined to mean a payment for an appearance or speech, except -- except for the actual necessary travel expenses of the Member and one relative. And travel expenses are defined to mean the reasonable cost of transportation, lodgings and meals incurred while a person's away from their residence and it also exempts charitable contributions made on behalf of a Member. And right now the law doesn't preclude you from taking money from your own campaign fund if that's what you want to do.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Collins.

SENATOR COLLINS:

Point of order. And maybe we could get a little order so she can hear me.

PRESIDING OFFICER: (SENATOR WATSON)

That -- that's an excellent idea.

SENATOR COLLINS:

Obviously she can't hear me.

PRESIDING OFFICER: (SENATOR WATSON)

There is an incredible amount -- if you sit up here and you -- and you just -- you can't believe the noise level here. If you're sitting up here, I would think that you'd feel the same way. I know a lot of it takes place outside these walls, and our friends that are out there on the -- on the galley side we'd appreciate

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you holding down your conversations, because we'd like to have some order here, and that's an excellent suggestion, Senator Collins. Proceed.

SENATOR COLLINS:

Senator -- Senator Geo-Karis, that is the way I supplement my income. I do lectures. I do training. Workshops. Seminars. I travel. They pay my travel expense, but they also pay me an honorarium. I'm asking you, and I have between now and when the Sessions comes -- convene in October to do that. Other people go out and they make their living. They have their law practice. Many of them teach school. They have other kinds of businesses, and they earn a living. So do you. I'm asking you, what strikes of impropriety -- what is unethical about my earning a living by selling my services to those who wish to have me come do training, do workshops, do seminars and travel around the State, and even outside of the State.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR COLLINS:

You tell me what's unethical about that.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

In -- and I'll try to respond to you, Senator. Your duties are to this legislature, and honorariums are honorariums. If they wish to contribute to your campaign fund they're free to do so. But we have to put a stop sooner or later, and as far as the eighty-one dollars per day, if you're here after the 31st of May - if you recall we passed a statewide referendum which said that we should be concluding our business by the end of May, and after that we need three-fifths vote to carry on anything. Also, this bill includes -- if I may be heard. If you have to be called in a

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Special Session, or if the Governor wants to have a Special Session after the 31st of May, they you're entitled to your per diem. I think we have to realize that when we represent this house, we don't represent it for honorariums. We represent it in order to do the people's business and to watch the taxpayers' money.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Collins.

SENATOR COLLINS:

...(microphone cutoff)...please speak to the bill, because she did not answer my question.

PRESIDING OFFICER: (SENATOR WATSON)

You may proceed.

SENATOR COLLINS:

The fact of the matter is, this bill goes too far. There are some good parts about this bill, and there're some bad parts about this bill, and there're just some parts about this bill that really covers up. It pretends that it's doing something and it does nothing. I don't think that this Body have a right to impose upon any Member -- any Member here - this is not a full-time legislative job. If we were in Congress I could understand it. It's a year-round job, but you have no right to say to me I cannot earn a living when I get out of this Session through my consulting business but other people here can earn a living as long as I pay my income tax. What you're doing is wrong, and I say we ought to vote No.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Petka. Senator Petka.

SENATOR PETKA:

Mr. President, I move the previous question. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Previous question has been moved. As a result of that we will

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hear from Senator Walsh, Senator Palmer, Senator Molaro, Senator Cullerton and Senator Shaw for the second time. Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President, Members of the Senate. I stand in support of this bill, and I think this is a good opportunity for all of us to do the right thing. I want to speak for a minute, specifically, about the campaign disclosure and -- and I think the feeling on the Democratic side of the aisle that we're making them do something that we're not doing to ourselves, I want to point out that in Cook County and in Chicago, in particular, they're also fifty Republican ward organizations. There are thirty suburban township organizations that are all going to have to now disclose their -- their -- under the -- under the -- this law. I think it's a good bill, and I think we all should support it, 'cause it's the right thing to do.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

Yes. First of all, Mr. President, did -- did anyone question how many votes this takes, since there is a home rule limitation found in the bill on page 8 of the bill as engrossed?

PRESIDING OFFICER: (SENATOR WATSON)

No one had asked that question, Senator, and you're -- as this bill provides for the concurrent exercise of powers as provided in Article 7 of the Illinois Constitution, it shall require thirty votes for passage. Senator Cullerton.

SENATOR CULLERTON:

Senator Geo-Karis, this Section that I'm referring to, home rule, on page 8 of the enrolled <sic> version, seeks to say that a home rule unit may not make purchases in a manner inconsistent with Division 10. And Division 10 is found in the Statutes under Municipalities - Purchasing And Public Works Contracts In Cities

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Of More Than 500,000. Now, first of all, they've ruled that this is, somehow, concurrent with State jurisdiction. Something which I don't agree with. But in the City of Chicago, for example, there is a minority set-aside requirements, twenty-five percent minority, I think five or ten percent female. That is inconsistent with this State Statute, which is Division 10. So could you please explain to me if it's your intent, with this bill, to overturn the City of Chicago's ordinances that they have established with regard to minority contracts?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I don't -- I don't think that it does. Furthermore, the Statutes under -- which this is based on does require competitive bidding. What's wrong with that? To explain -- if it's in excess of ten thousand. It's already in the Statute under Division 10, as you and I both know.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

Yes. And the -- and the City of Chicago has ordinances which require competitive bidding. I'm specifically asking you if it's your intent with this provision to overturn any City of Chicago ordinances with regard to purchasing. 'Cause that's what it says it does. It says a home rule unit may -- I'm reading from your bill. A home rule unit may not make purchases in a manner inconsistent with Division 10, which is a Statute found on our books. They have ordinances - I just told you of one - that goes to the issue of minority purchasing. This, as I read it, overturns that. And if it's not your intent I -- I think you have to amend it. That -- that's a form of a question, if she could please answer.

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PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I don't think it overturns it, because your ordinances have to comply with the Statute, and the Statute is very clear in Division 10, and Division 10 says that in -- in addition to all the rights, powers, privileges, duties, and obligations conferred thereon - elsewhere in this division of -- or any other Acts, all cities of 500,000 or more population shall have the rights, powers and privileges and shall be subject to the duties and obligations conferred thereon by this Division 10. So I don't think it's inconsistent at all.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

Another -- another issue that Senator Collins raised. Senator Geo-Karis, let's get your legislative intent with regard to what is an honorarium.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR CULLERTON:

It says what it -- it says what it does not include. It doesn't include money that you give to charity. It doesn't include an agent's fee or commission, or it doesn't include funds reported to your State PAC. Now, what if I am asked to give a speech for a trade association and I don't talk about politics at all. What I do is, I go in and do a comedy routine. Senator Hendon has done this in the past. I've done this in the past, and people have offered a fee - a payment - for literally going in and -- and taking the place of a -- of a -- some other -- taking the place of some person they would hire as a comedian to entertain. An after dinner speaker. That sort of thing. This -- I want to

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make sure that I know what your intent is with regard to this.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

...(microphone cutoff)...tell you what my intent is. If you're going to do a comedy act you should be paid for your comedy act. And you're very good at it, too. I know, I've seen you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. To -- to the bill quickly: Probably almost everything in it I -- I am for, even some of the things my colleagues are against I am for, and I won't single them out, but one thing I do have a little problem with is this eighty-one dollars a day past June 1st. If you recall last year I think there were about four-week period I didn't shave. I won't talk about the haircut, but I didn't shave for about four weeks, because I thought it was ridiculous that the leadership's huddled up and we're spending eighty-one dollars a day on the rest of the Membership. However, I couldn't go sit in my district, because of the fact that a deal could be made and we'd be out of here. Plus you don't want to sit in your district when all the action is in Springfield, 'cause then they might as well only have four representatives instead of the rest of us. So we should be down here. I just don't like the idea that we would, in some way, think that if we don't get the eighty-one dollars our leaders will be in that room when they can't come to an agreement, and they'll say, "Well, we better care about Bob Molaro getting eighty-one dollars so we'll come to an agreement quicker." Right now the Republican party controls things, and that's fine if the voters want it that way. There may be a time when there's a Democratic Governor or Democratic control of the House. Maybe

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never, but maybe that time will come. Now, we can't go back and change this law again. And the thing that cooler heads has prevailed, which never have prevailed in the past, I just don't like the idea that there is a possibility that I would be called down here because the leaders couldn't get together on the budget and adjourn, and yet I'd have to be down here and I would have to pay my own lodging and my own meals. I just think it's unfair that that would happen. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Shaw, for the second time.

SENATOR SHAW:

Thank you, and I apologize for rising a second time, but I wanted to ask the -- a question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield.

SENATOR SHAW:

On -- on the -- on the honorariums, now we are here - let's say - six months out of a year, and you being a professional and you are a lawyer, I have no other position but this one, as a Member of this Bar, do you practice law when you leave here?

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR WATSON)

...(microphone cutoff)...Geo-Karis.

SENATOR GEO-KARIS:

Senator Shaw, I not only try to practice a little law, but I pay all of the overhead of my office, when I get back. And I have



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to get -- get it together and work as hard as I can.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR GEO-KARIS:

So then you won't have that overhead.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

But under this bill, you have a license to practice law, earn additional income, and in this legislation, what you're attempting to do, is the people who are not double dippers, such as yourself, you are going to prohibit them from taking an honorarium. Do you -- do you believe that is right?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I certainly don't prohibit you from going into any other gainful occupation. And I don't think an honorarium is the name of a gainful occupation. I think it's a gift, that's fine. But we're trying to save the taxpayers money, and this is one way to do it to show that we really mean it when they said to us, do something about it, 'cause we don't trust legislatures, we don't trust public officials. And we're trying to restore their trust in us.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

Finally, the honorarium is not taxpayers' money. And I don't believe that we are saving any taxpayers any money, because some company or some organization gives some Member of the legislature, when they are not in Session, a honorarium. What we should be about, if you -- if you want to even take this farther, if it's

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fair for me, and you want to make this a full-time job, you should let your law license expire. And you should not be out there taking money from your clients, when you're not in Session. I think that is hypocritical. I think it's wrong, and I think this legislation is wrong. And I ask for a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis, you may close.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, much of this bill was brought to the attention of the House from Common Cause, and much of it, I think, is very good. And if I've made any mistakes in interpreting some of it, I apologize. However, the fact remains, the part about O'Hare Airport, Meigs and Midway was already in the bill. It came over here with a hundred and one votes. And the -- the -- the part about the honorarium, if I didn't have a license to practice law, I can assure my colleagues on the other side, I'd be getting some other job in order to supplement my income. But I would never depend on anyone's honorarium. I think it's a good bill and I ask a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall House Bill 1498 pass. All those in favor, vote Aye. Opposed, vote No. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 41 voting Yes, 7 voting No, 6 voting Present. House Bill 1498, having received the required constitutional majority, is declared passed. Senator Fitzgerald, for what purpose do you rise?

SENATOR FITZGERALD:

Make a motion to reconsider.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

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SENATOR GEO-KARIS:

...(microphone cutoff)...motion on the table.

PRESIDING OFFICER: (SENATOR WATSON)

Motion has been made. All those in favor, say Aye. Second. Opposed. Motion passed. Senator Fawell, do you wish this bill returned to 2nd Reading for the purpose of an amendment? Senator Fawell, seeks leave of the Body to return Senate Bill 1587 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate <sic> Bill 1587. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell. Senator Fawell?

SENATOR FAWELL:

Thank you very much. The amendment resurrects Senator del Valle's bill, which passed 53 to nothing. All it does is allow clear plastic covers on license plates. It also resurrects Senate Bill 395, which clarifies where the funds go for the State Police School Bus Driver Fingerprinting Program.

PRESIDING OFFICER: (SENATOR WATSON)

Discussion? Senator Clayborne.

SENATOR CLAYBORNE:

I rise for a point of personal privilege. I -- I tried to get it -- well, I'll go back. I'll wait till she finishes.

PRESIDING OFFICER: (SENATOR WATSON)

That's all right. State your point, Senator you're...

SENATOR CLAYBORNE:

Well, I -- I intended to vote -- somehow I didn't vote -- the button was pressed wrong. I intended to vote Aye on 1498.

PRESIDING OFFICER: (SENATOR WATSON)

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Very good. The record will so indicate. Now, on the amendment, you have moved for the adoption of Amendment No. 1. All 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.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate <sic> Bill 1633. Senator Sieben. Mr. Secretary, please read the bill. Senator Sieben, do you wish to have House Bill 1633 returned to the Order 2nd Reading for the purpose of an amendment? Senator seeks leave of the Body to return Senate <sic> Bill 1633 to the Order of 2nd Reading. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1633. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Sieben.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Floor Amendment No. 1 amends the Vehicle Code to add language to allow for trackless trolleys to use bells to indicate their arrival or departure at a destination stop during hours of scheduled operation. There was no opposition in Transportation Committee, and I would move for its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? All 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:

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No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. House Bill 1650. Senator Hasara. Mr. Secretary, please read the bill.

SECRETARY HARRY:

House Bill 1650.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. House Bill 1650 directs the Department of Agriculture to establish a pilot program for a Farm Safety Course offered at the Illinois State Fair. Be glad to answer any questions, and would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall House Bill 1650 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Yes, no voting No, no voting Present. House Bill 1650, having received the required constitutional majority, is declared passed. Senate <sic> Bill 1662. Senator Hendon. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 1662.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hendon.

SENATOR HENDON:

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Thank you, Mr. President. This bill simply adds that the Department of Corrections look at building a juvenile center within Cook County. I'll be happy to answer any questions, and ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall House Bill 1662 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. House Bill 1662, having received the required constitutional majority, is declared passed. On page 10, we will proceed with House Bill 1696. Does Senator Weaver wish House Bill 1696 returned to the Order of 2nd Reading for the purpose of an amendment? The Secretary says there is no amendment, Senator Weaver. Senator Weaver.

SENATOR WEAVER:

There should be amendment from the committee.

PRESIDING OFFICER: (SENATOR WATSON)

We adopted...

SENATOR WEAVER:

A Floor -- a Floor amendment went to...

PRESIDING OFFICER: (SENATOR WATSON)

Yesterday we adopted...

SENATOR WEAVER:

It's already been adopted?

PRESIDING OFFICER: (SENATOR WATSON)

According to the Secretary, yes.

SENATOR WEAVER:

Very good. Roll it.

PRESIDING OFFICER: (SENATOR WATSON)

Madam Secretary, please read the bill.

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ACTING SECRETARY HAWKER:

House Bill 1696.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. House Bill 1696 would create university license plates, at a charge of forty dollars, to create a fund that would go back for scholarships at each and every university based on what is -- is developed in that fund. So if anyone has any questions, I'll be happy to try to answer them.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator -- Senator Jacobs.

SENATOR JACOBS:

Yes, thank you, Mr. President, Ladies and Gentlemen of the Senate. Sponsor yield for question, please?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Jacobs.

SENATOR JACOBS:

Sometimes Senator, I feel like I'm an attorney, which I'm not, because there's points that seem to be brought up that at least some clarification. As I understand it, in this bill, the Secretary of State will have the final say of the design of the -- the license. But yet the University of Illinois has copyrights on their logo, so that if that logo is to be used, there's a potential for a lawsuit on the State of Illinois. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver.

SENATOR WEAVER:

The Secretary of State will have complete control of design.

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If the logo is to be on there, there'll have to be some agreement worked out, otherwise it won't be used.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

That -- as a matter of intent, I think, that that clears up the issue that I had a concern with. So, thank you very much.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, in committee, I believe there was an indication that with the bill in the shape it's in there was a question about whether private school plates that were adopted, whether those private schools could receive that -- their share of the fund. Has that been worked out with a Floor amendment, or is it going to happen in the House, or where are we on that issue?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver.

SENATOR WEAVER:

That has been worked out by Floor amendment. Privates are in.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? The question is, shall House Bill 1696 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 59 Ayes, no Nays, no Members voting Present. House Bill 1696, having received the required constitutional majority, is declared passed. Senator



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Dudycz, for what purpose do you arise sir?

SENATOR DUDYCZ:

I got a bill coming up.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR T. DUNN:

Thank you, Mr. President. Motion to table. I have a motion to concur with House Amendment 3 to Senate Bill 428, which is currently in the Senate Judiciary Committee, and I have filed a new motion today. So I would like to table that motion to concur.

PRESIDING OFFICER: (SENATOR MAITLAND)

We're just going to wait until we get to that order of business, Senator Dunn, if that's alright sir. Senator Shadid, for what purpose do you arise, sir?

SENATOR SHADID:

A point of privilege, Mr. President. On House Bill 1498, I was -- I was recorded as not voting. My key was turned off, I didn't notice it. I want to be recorded as voting Yes on that.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shadid, the record will -- will so indicate your intent sir. Senator Butler, for what purpose do you arise, sir?

SENATOR BUTLER:

Point of personal privilege, please.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, sir.

SENATOR BUTLER:

Ladies and Gentlemen, I would like to introduce a distinguished gentleman with me, seated next to me. He is -- he is Mayor Ronald Wietecha of the City of Park Ridge, and also Chairman of the Suburban O'Hare Commission. Ron Wietecha.

PRESIDING OFFICER: (SENATOR MAITLAND)

Welcome to Springfield, Mayor. House Bill 1699. Senator

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Dudycz. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1699.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDY CZ:

Thank you, Mr. President. We debated House Bill 1699 earlier yesterday, and I -- I took it out of the record, because there were some questions that were brought up by Senator Demuzio and others. But, I believe that those questions have been answered. There has been no conflict as far as the Taxpayers Federation is concerned. The legislation, briefly, does four things: It deletes requirement that the City Colleges of Chicago appear before the city council for approval of the annual tax levy; deletes the provision that prohibits federal funds received for a capital construction project from being used by a local community college as its twenty-five percent match; amends current bonding language to clarify that the Chicago Community College Districts may issue bonds to refund short-term indebtedness; and clarifies that all persons participating in the State Universities Retirement System who don't receive health insurance when they retire, are eligible for annual health insurance grant from the Illinois Community College Fund. That is the portion which affects only one person at no cost to the State. And I would ask affirmative support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Let me also concur with Senator Dudycz, that my comments today are

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intended to clarify that the City Colleges of Chicago is the only community college district that would be affected by this bonding provision. Also, the bill would amend only the City -- City Colleges portion of the Public Community College Act, and would not apply to any other community college district. This bonding language is narrowly focused to cover one short-term note for the City -- City Colleges first issued in 1994 -- it's not any new borrowing. And therefore, I rise in -- in favor of this legislation.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Hendon.

SENATOR HENDON:

Senator Dudycz, yesterday I raised the issue of the ninety million dollars that the City Colleges of Chicago lost. I found out this morning, and I -- I -- I certainly hope that our fiscal conservative friends will listen to this, that it was not ninety million dollars. It's actually ninety-six million dollars -- ninety-four million dollars, you know, there are probably two or three million that we don't know about, Aldo -- that they have lost, and my question is, have they shown the fiscal responsive -- responsiveness to deserve the opportunity to just raise taxes to pay off debt, and I'm certain some of this debt was because of the ninety-four -- ninety-six million dollars that they just disappeared.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCYZ:

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I'm -- I'm sorry -- I -- could you repeat the question.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

My question is, do you consider them -- have they shown enough fiscal responsibility, knowing that they just lost ninety-four million dollars, to be given the opportunity to just raise taxes, and tax the people of the City of Chicago and the State of Illinois without the oversight of the city council? Have they shown that responsibility -- fiscal responsibility to you?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCYZ:

Senator Hendon, that is not addressed in the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

Well, I take that to mean, that no they haven't shown that to you. And they most certainly haven't shown it to me, and they haven't shown it to anyone else in this Chamber. And I remind my friends, especially those of us who are truly concerned about balancing the budget and protecting the taxpayers, which we all say we are. I mean, after all, we -- we passed tax caps for Cook County and we did it for a reason, to protect the taxpayers. So my question to you is, is there a limit on the amount of -- of -- of how high your bill is going to allow City Colleges to raise taxes? Is there a limit? Is there a cap of any kind, or can the City Colleges raise taxes just as high as the hell they want?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCYZ:

The answer to your question is, yes.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

What is the cap that the City colleges -- that your bill imposes on City colleges on this tax increase authorization?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

I don't know.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

Well, Ladies and Gentlemen of this Chamber, I hope you listen very clearly. Especially those who are -- of you, who are like me, a fiscal conservative who cares about the money of this State, of the people of this State, the illustrious Senator, who is my friend, has made it perfectly clear that the City colleges, if this passes, has unlimited -- unlimited authority to raise taxes however much they want. And if they keep losing ninety-four million a year - ninety-six million a year, God knows, this tax increase allows them to get rid of that debt. So they can lose money on all kinds of -- a deals, and all kinds of things that -- that truly are bad for the people of this State, and this Body of integrity, of intelligent people, are going give these people who are throwing away this money the ability to raise taxes, and the Senator says, "There's no limit." So they can come up with a twenty-percent tax increase - thirty percent, hell - why not, you got a roll going, seventy percent, and nobody, nobody has the right to turn them down. Nobody would have the right to even review how much they're going to raise taxes. I think this is a bad bill, especially those of you who are seeking re-election. Especially for those of you who are fiscal conservatives.

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Especially for those of you who say you're going to protect the taxpayers' money. You're about to give away some, my friends, and if the -- if the Chicago School Board had lost ninety-six million dollars, you be up in here screaming about oversight, screaming about some committee to protect 'em, to watch 'em, to the school finance authority. But yet, the City Colleges is going to get the -- the right to raise taxes as much as they want. This is a bad bill. This is an anti-citizens bill, and all of you who say that you truly stand for the taxpayers should definitely vote No.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. My colleague from the west side of Chicago just gave a fantastic speech, and I thought it was great, except it's on the wrong bill. That's the problem. I don't -- I don't know how we're reading this bill so differently. This doesn't give any taxing authority to City Colleges whatsoever. This is a verily -- very narrowly drafted piece of legislation that gives no extra authority to anybody to raise taxes or do anything else. The borrowing has already been done. The borrowing was done in 1994, and it's done with a short-term loan. If we allow the City College to go out and do it bonding, instead of the money that they owe, they're not going to pay anything off. They owe thirty million dollars, but they borrowed it in short-term fund, which it's costing them a lot of money to borrow. If they do it by bonding, they save on the interest rate. So they're borrowing thirty million dollars, instead of a free note at some bank, making some bank extra money, they're going to do bonding, they're going to save money doing it. That's all it does. It all verily narrowly crafted to the City Colleges for this one particular note. What happened when they lost the ninety-four million dollars, just briefly, which has

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nothing to do with this bill, those people have been fired; the money manager is in court; they have sued those people for doing it, and it's in court on whether or not the money that's been lost by these investment advisors, will ever be gotten back. So this bill has nothing to do with that. There, maybe, should be a bill to go after these people who made it. But this isn't it, and this is a good bill, as written, and I stand in support. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

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 Jacobs.

SENATOR JACOBS:

Senator, I'm not from Chicago, so some of the issues that were raised have got me a little confused, and I think maybe you could respond to this, and -- and -- and clear it up for me a little bit. We're deleting a requirement that City colleges of Chicago must appear before the city council each year for approval. Did not -- did -- we're deleting that, correct? ...(inaudible)...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

Senator, the city council does not approve or disapprove. It just requires that they appear before the city council and make their presentation.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

Well, I guess my -- my point still remains the same. There's a lot of discussion that that will alter a problem. It appears to

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me the loss of eighty-nine million dollars happened while the City of Chicago was reviewing the problem, or reviewing the issue. So to delete them, really does not put this into jeopardy. In fact, what it really is saying, is we're not going to operate under the same system that allowed it to happen in the past. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

...(microphone cutoff)...answer your question, Senator. I -- I really don't -- as far as the city council is concerned, I -- I gave my answer. As far as their investments, whether they've made good investment or not, or whether -- whether -- you know, I don't know how to answer that question.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

Let me -- let me rephrase it, because I'm trying to help you a little bit, I think, in my own way. What I am trying to say, is that the -- the problem that did exist, existed while they needed to take it to the City Council of Chicago. So by not taking it to the City of Chicago, the problem happened while taking it to the City of Chicago, so what are we going to lose?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

Again Senator, nothing.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Senator Collins. Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Just as -- as a point of



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clarification, I think, Senator Jacobs comments are -- are very appropriate in the fact that this oversight was there prior to this time. All we're trying to do is -- is to make that community college board work under the same guidelines as every other community college in the State of Illinois, and I would move the previous question.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. There are two remaining speakers. Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. Just to the bill: There are some very good things in this bill, and I am happy to see the City Colleges of Chicago be able to afford to finance its bonds at a lower -- it's a -- whatever, at a lower rate. However, I do not think that we should lose sight of the fact that ninety-six million dollars was lost. Now, we may not be talking about the details in the proper way. But in fact, it was, and that is what we are trying now to recoup in one fashion or another. And I do have some ambivalence about it not coming before somebody in order for there to be some oversight. Granted it may not be one where decisions can be made. But to have this completely outside of the public view, I think is not exactly the way to go. I can understand that this is important, and we probably should support it in some way. But I don't think this is totally the way we should be going.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Dudycz, to close.

SENATOR DUDYCZ:

Thank you, Mr. President. There's been enough discussion on this bill. I would just ask that the Senate join the 101 to nothing vote of the House, and -- and pass these -- this bill out of the Senate.

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PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 1699 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 56 Ayes, 3 Nays, no Members voting Present. House Bill 1699, having received the required constitutional majority, is declared passed. House Bill 1706. Senator Raica. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1706.

(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. House Bill 1706 is an initiative of the Attorney General's Office. What it does is it amends the Criminal Code to raise the penalty of aggravated battery of a child from a probationable Class I felony to a -- to a non-probationable Class X felony. It also eliminates the special probation provisions for family members and those with supervisory authority over the child. It does one other thing, Mr. President, in it allows an order of protection to issue for an alleged violation of aggravated battery of a child, in directing that defendant have no contact with the child. I would just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. I voted Present on this bill in committee, and I just want to raise this, and I'm sure everybody has to vote for it, because after all

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we are increasing a penalty in a Criminal Code. And it only costs 1.1 million dollars, which is really not very much when you consider that we're going to pass a bill that's going to cost three hundred and seventeen million. This is like a little down payment. Here's the problem though, with the bill. I have no problem raising the penalties. I have no problem raising the penalties for aggravated battery of a child, from a Class I to a Class X. The problem is that an aggravated battery of a child could be losing your temper, punching a kid, and so that a jury says that he receives great bodily harm. What we're doing with the bill is taking away the judge's discretion, in those rare cases, to give probation. Now, you know, the -- the judges don't give probation out that often. They occasionally do it, if there's some rare case. And we have this -- another example is in the residential burglary. Some kid breaking into an attached garage to get his bike back, some seventeen-year-old kid. The judges have been told, by us, you can't give him probation. So you know what they do, they find him not guilty, or they find him guilty of some other crime. So here you got a situation where you got an aggravated battery of a child, somebody who received, according to the definition, great bodily harm, which could be, you know, a punch, somebody loses their temper. I'm not saying they should be found not guilty, I'm not saying we shouldn't make it a Class X felony. All I'm saying is to make it non-probationable, that's what costs the 1.1 million dollars. And I -- I voted Present in committee. I -- I, you know, we always stand here and every time you vote against a bill that raises a penalty, people can accuse you of being soft on crime and all that. I'm just trying to smart about it, and I just think it's -- it's that one portion of the bill which is totally unnecessary.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Molaro.

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SENATOR MOLARO:

Yes. Thank you, Mr. President. It's a little similar, but -- but I want everybody to understand what's going on here. Right now, if you -- if you commit aggravated battery against a child, you can get up to fifteen years in prison. There's no doubt that aggravated against -- aggravated battery against a child, in most cases, someone should get fifteen years, maybe thirty. The bad part is not the maximum, we're not going to increase that that much, it's the minimum. Class X felony, if you're convicted of this, you must get six years in jail. Now, let me explain what could happen here. Aggravated battery could mean, says, permanent disability, great bodily harm, disfigurement, or uses a deadly weapon. Now, for those of you who understand this, there are grandfathers who come from the old country who just don't understand things too much. Child could be anybody twelve or under. So you could have an eleven year old that's running around the house, and a grandfather or great-uncle or someone who maybe had a few beers -- say, "Hey, I told you to sit down - cut it out." Doesn't sit down, gets a little aggravated with them, see -- just grabs a shoe or a scissors, "I told you to sit down" and actually a child he loves, who's eleven years old, gets hit with the scissors, and it causes some disfigurement. And he gets charged with aggravated battery. Now he goes to court, a judge sitting there, or a jury if he pleads guilty, could give him fifteen years, or they could give him probation, or they could say, you know what we want to give him thirty days in jail. Part of the crime they could look at. Now, when we change this, he must -- he must -- he must go to jail for six years. He must go to jail for six years. It's not increasing the maximum. We still got fifteen or thirty years we could give them. We're going to take away what we're trying to do here. Most aggravated batteries on a child, if it's somebody like a boyfriend or somebody who --

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we'll give them fifteen - thirty years. But don't take away the opportunity on a one spot thing, that -- that would give somebody where that we must give them six years. I think it's mistake, and I think we should take a look -- hard look at it. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Raica, to close.

SENATOR RAICA:

Well, Mr. President, I didn't know if I should just take my esteemed colleague, Senator Molaro's statements as my closing statements or -- or give my own. I think throwing scissors at a child who's three or four years old is kind of a bad scenario, and know, Bob, you didn't really want to do it that way, you just tried to make a point. But, you know, I don't know if -- if -- if they -- if they wanted -- if they wanted to prosecute that individual with -- with aggravated child -- or aggravated -- aggravated battery of a child is one thing, but the guy would have to be convicted. All I'm saying is that there are situations where there's repeat offenders also that have caused a lot these harms to these children, and we're only tough -- attempting to get tough and protect these children just a little bit more. But I understand where you're coming from, Senator Molaro. I respect you and both, Senator Cullerton for your opinions, but I would just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 1706 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 52 Ayes, 1 Nay, 3 Members voting Present. House Bill 1706, having received the required constitutional majority, is declared passed. House Bill 1708. Senator O'Malley. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

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House Bill 1708.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and Members of the Senate. House Bill 1708 amends the Code of Criminal Procedure and the Code of Corrections. It makes the crime of compelling organization membership non-probational. Current law makes compulsion of organization membership a Class II felony, and a Class I felony when it is committed by a person eighteen or older against a person under eighteen if accompanied by an express or implied threat of bodily harm, or bodily harm. This bill will make both offenses non-probationable, and not subject to conditional discharge or periodic imprisonment. This is a suggestion and an initiative from the Illinois Attorney General's Office. Be happy to answer any questions you may have.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Berman.

SENATOR BERMAN:

Question of the sponsor. How -- how do you define a "gang"?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

We're -- we're going -- we're going to get the Statute. ... (microphone cutoff) ... Senator Berman, if you're refer to on page 1 of the bill, at lines 8 through 14, it says -- it says, in particular, "Compelling organization membership of persons. A person who expressly or impliedly threatens to do bodily harm or does bodily harm to an individual, or to that individual's family or uses any other criminally unlawful means to solicit or cause

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any person to join any organization or association regardless of the nature of such organization or association, is guilty of a Class 2 felony."

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

So that you -- the -- the -- your explanation is a gang, but under this if I use -- if I threaten bodily harm, for a person under eighteen to join any organization, I would be guilty under this bill. Am I correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

If -- if you are over eighteen and you use force, or threat of force, against someone under eighteen, to join an organization, that is correct. And remember that this provision that we read from in the bill, is the law as it is today. So we're not changing that in any way, shape or form, and that has been consist with what the law has been for a long time.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator O'Malley, you wish to close, sir?

SENATOR O'MALLEY:

I just prefer a -- you know, an affirmative roll call. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 1708 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, 1 Nay, no Members voting Present. House Bill 1708, having received the required constitutional majority, is declared passed.

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House Bill 1730. Senator Palmer. Senator Palmer? House Bill 1741. Senator Cronin. Senator Cronin on the Floor? House Bill 1792. Senator Cronin. House Bill 1797. Senator Rauschenberger. Senator Rauschenberger on the Floor? House Bill 1816. Senator Mahar. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1816.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. This makes the -- the committee amendment makes the bill identical to Senate Bill 1028, which passed the Senate 55 to nothing. Requires a thirty-day demand letter to be sent by both certified mail and by first class mail to a bad check writer's last known address. If the certified letter is returned, is refused, or is unclaimed, the suit may go forward. The duplicate mailing by first class mail is intended as a fail-safe mechanism for providing adequate notice of an -- of an impending civil suit. I know of no opposition, would ask for your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes, since -- would the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Cullerton.

SENATOR CULLERTON:

We've had in the City of Chicago, especially in my district, some incredibly, inefficient postal delivery. There's been some zip codes that's been under investigation by the federal



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government. We had a change in the postal -- the head of the post office in Chicago. What happens if they mail it and the post office loses it?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. Well, the response I would have to that, it is both certified mail as well as first class. I -- if you can't count on the U.S. Postal Service, and I -- granted they have some inadequacy, but if you can't count on them, then I guess we have a problem that's far greater than this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Cullerton. Further discussion? If not, the question is, shall House Bill 1816 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. House Bill 1816, having received the required constitutional majority, is declared passed. House Bill 1825. Senator Peterson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1825.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Peterson.

SENATOR PETERSON:

There was an amendment filed, is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

It has been adopted, Senator. On the bill.

SENATOR PETERSON:

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Thank you, sir. This bill, 1825, deals with the optical scan vote tabulating equipment. And what it would do, is establish standards and procedures for the use of optical scan vote tabulating equipment. Establish -- if a conflict exists between current provisions for the vote tabulation when using optical scan equipment, the provision of the new Act shall prevail. Currently, this equipment is being used for central tabulations in Hamilton and Peoria Counties, but is not authorized for precinct level work. The bill would be optional by the election authority. It would have an effective date of January, 1997. And I ask for a favorable roll call on House Bill 1825.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President. I stand in support of this bill. It's an opportunity for us to have a much more rapid tabulation of the votes at the end of the voting day, and that -- and the accuracy also is guaranteed.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? If not, the question is, shall House Bill 1825 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 57 Ayes, no Nays, 1 Member voting Present. House Bill 1825, having received the required constitutional majority, is declared passed. House Bill 1843. Senator Peterson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1843.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. House Bill 1843 amends the Illinois Insurance Code to authorize hearings regarding suspension, revocation, or denial of a license as an insurance producer, limited representative, or registered firm to be held in Chicago in addition to Springfield, and the county in which the licensee's principal office -- place of -- of business is located. It's supported and brought to the legislature by the Department of Insurance. I ask for favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 1843 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 56 Ayes, no Nays, no Members voting Present. House Bill 1843, having received the required constitutional majority, is declared passed. Jane Serbus of KRT Productions requests permission to videotape. And Tom Hecht, Illinois Information Service requests permission to videotape. Is leave granted? Leave is granted. Senator Petka, for what purpose do you arise, sir? House Bill 1850. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1850.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Thank you, Mr. President, for recognizing me, and Members of the Senate. House Bill 1850 contains two provisions. The

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original bill came over that -- amending the upper river -- Illinois River Valley Development Act, which would expand the territorial jurisdiction of that Act to include the County of Kendall. This would expand the governing body of that from sixteen to eighteen members. Amendment No. 1 was adopted in committee. The amendment provides the following: the -- the Rural Bond Bank Act would be amended to expand its jurisdiction to include units of local government, excluding home rule municipalities within the collar counties of Lake, McHenry, Kane, DuPage and Will, and establish a separate debt limit authorization of twenty-five million dollars for bond issuance within the collar county area. The existing debt limit authorization for bond issuance within the original ninety-six county area, is increased to a hundred and twenty-five million, of which fifty million of that has already been issued. Additionally, the number of appointed commissioners would be increased from five to seven, for a total of nine, including the Lieutenant Governor and the State Treasurer. It would allow county officers to appoint a temporary substitute who has a vote and count for quorum purposes. The amendment was placed on the bill, with hopefully, the following incentives in mind. First of all, to provide a low cost capital to rural communities within the collars counties; to increase the bond volume and, therefore, lower the cost of borrowing by small communities for -- for those who are participating. Just as an example, a one-million-dollar borrower will save approximately ten percent on total financing costs by participating in a twenty-million versus a five-million-dollar bond issue. And also to develop non-bond financing programs with additional fee revenues generated by increased bond issuance. Mr. President and Members of the Senate, that's the bill and I would urge its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. I don't know if anybody's listening to what we're doing here, but we are now expanding the Rural Bond Bank to include the county of -- I guess the collar counties. The Rural Bond Bank was established to help our rural communities outside of the metropolitan area, and currently we have a one-hundred-million-dollar bond authorization of which forty to fifty million dollars is -- is currently left and not issued, on that particular issue. Senator -- why -- why would we want to -- to include now the collar counties and -- and couldn't a case be made for adding -- adding Cook also? I mean, this is like a raid into a -- a domain that we've attempted to -- to be competitive with other -- other counties throughout -- throughout Illinois for economic development and other projects, but it just seems to me that we ought not to be intruding into something that's been successful nor expanding it, if it's -- then if we're going to expand it, why don't we call it the suburban bond bank or some -- some other -- some other name. And, Mr. President, I might ask, since we are dealing with bonds here, whether or not the Chair would rule as to whether or not this -- the number of votes that this would require?

PRESIDING OFFICER: (SENATOR MAITLAND)

Thirty votes, Senator Demuzio. Senator Petka.

SENATOR PETKA:

Well, thank you, Senator Demuzio, for pointing out the benefits of the Rural Bond Act. Because of the fact that we wanted to make sure that the original intent of the Rural Bond Act -- Bond Bank Act would continue to serve the ninety-six rural counties in this State, and to perhaps follow up on that, then to create, for the rural areas within the collar counties, an opportunity to draw upon that -- that same type of incentive.

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That was the reason for the -- for this amendment to this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, I rise in opposition. I -- I just think that this again, is -- is -- is your new found power in -- in the suburban area, that you now want to tap into everything you can tap into. You're going to try to tap into the Rural Bond Bank now. It just seems to me that we ought not to be doing this, and I would rise in opposition.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President. Quite frankly, I don't think what this bill -- this bill is a -- is a bad idea. The only problem, Senator Butler <sic> (Petka), it -- it -- it should be expanded if you're going to do that, to help some of those small communities. For example: like suburban Cook County, you're -- you're talking about small units of governments with very, very limited financial resources, or opportunities for financial resources, who could, in fact, use this money from the bonds, to develop small business projects in those areas, to increase the revenue in those areas. And -- and -- and I don't think it's a bad idea, but the problem is - I have with it - is, you did exclude those. Because one of things that I learned throughout this State, that many of the small units of governments are really having some difficult times just providing essential services, like fire and police protection and -- and sanitation kinds of things to those communities, and they need new revenue -- streams, new opportunities to -- for investments, and to encourage investments and to be able to provide incentives to -- to -- for new revenue generating projects within those areas. And so this

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is not a bad idea, but it's discriminatory.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President. I, too, rise in opposition to this bill. The original bill -- the original organization of the Rural Bond Bank Act was to foster and promote, by all reasonable means the provision of adequate capital markets and facilities for borrowing money by rural units of local government. This bill pretends to include the collar counties, and they already have access to the Illinois Financial Development Corporation. They can borrow money through that development organization. This was intended for the rural areas of -- of the -- of the State of Illinois and provided a reasonably -- reasonable way of borrowing money at a reasonable rate. I -- I am violently opposed to the inclusion of the collar counties in this particular Rural Bond Bank Act. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Fawell.

SENATOR FAWELL:

Senator, have we increased this Rural Bond Bank at all?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Yes. The increase is a total of twenty-five million dollars.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fawell.

SENATOR FAWELL:

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Well, according to my analysis, we've gone from a hundred million to a hundred and fifty million, but only twenty-five of that goes to the collar counties. So for -- in other words, the Rural Bond Bank ends up for downstate with another twenty-five million dollars in their coffers for downstate. Is that right?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator, I'm glad you brought that to my attention. I -- I had misspoke. The actual increase is from a hundred million to a hundred and fifty million, which means a total increase downstate of twenty-five million, and twenty-five million in the collar counties. But it also excludes any -- or home rule unit within the collar counties. So we are going to be dealing with that same category or class of communities in the collar counties, that are currently excluded under the Rural Bond -- Rural Bond Bank Act. It's the same type of community which is excluded, but which will now be included.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fawell.

SENATOR FAWELL:

Well -- well to the bill. Downstate, I hope you are listening. You gain -- you gain twenty-five million more dollars. You end up with a hundred and twenty-five million dollars to spend on your projects, if this bill indeed pass. Right now, all you have is a hundred million dollars. You gain twenty-five million dollars. Do the very small towns in McHenry, in Lake, that are just starting to develop, get some of this money? Yes. But you're the big winners in this. It is not the collar counties. And, in fact, my county, I'm sure, will not benefit whatsoever. But, I have seen the growth in DuPage County. I know what problems we had. McHenry, Kane and Will County are now facing



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those same problems with infrastructure, with water problems, with all kinds of problems that, frankly, small communities cannot -- cannot handle on their own. We are talking about a hundred-and-fifty-million-dollar bonds, a hundred and twenty-five million of which goes, not to the collar counties, but to the rest of the State. You have gained, under this bill, twenty-five million dollars, if you pass it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Severns. Senator Severns.

SENATOR SEVERNS:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Severns.

SENATOR SEVERNS:

Senator Petka, I'm not as concerned as a downstater with the addition of -- of some of the counties, having traveled like many others to many of those counties, I think there's a lot of rural areas in -- in some of the collar counties. But I do understand that you're increasing the bond authorization, as you've mentioned, but my analysis also says that you're adding duties as it relates also to the Treasurer. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

I don't know if you want to refer to them as adding duties, but they would be one of the -- the Treasurer and the Lieutenant Governor would be appointed commissioners.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Severns.

SENATOR SEVERNS:

Does that enable the Treasurer to consummate any deals?

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator, you have me tongue-tied right now. I -- I -- I don't -- I don't -- not, quite frankly, know what her duties would be, other than being a commissioner.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Severns.

SENATOR SEVERNS:

To the point: Is she in a position of making a decision on any -- we've increased the bonding levels from one hundred million dollars to one hundred and fifty million dollars, and -- and part of this addresses her additional duties. Does she have the ability to initiate or to halt any deals?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator, I'll quote right from the bill what -- what her duties would be here. That as a representative either the State Treasurer or representative of her office, who can attend commissioner meetings and cast officer -- cast a vote as an officer towards a quorum.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. I just wanted to say that a few years ago when there was an amendment, when were putting the collar counties into the Rural Bond Bank legislation a few years ago, or trying to, I -- I first met with the head of the Rural Bond Bank - whom, I'm sorry, that I can't remember his name right now - to ask him what that would do to it. You know, we didn't really want to be taking money necessarily from the downstate

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communities, or did we want to be increasing the bond issue -- bonding authority way, way higher than it should be. So I -- I -- I had a meeting with him and he said, very frankly, that he would like to have the collar counties in the Rural Bond Bank for these reasons: First of all, the money that's -- the -- the hundred million dollars in bonds that's still -- that's there now, isn't being used. It almost never is used, in any year do we ever get up to the hundred million dollars with the rural communities. And he thought that if the collar counties were added to it, we could get more use out this Bond Bank, and perhaps get lower rates for those communities that do make use of it. So he thought it was a -- an advantageous tool, not just for the collar counties to be able to partake of it in some way, but for all the rural communities, because they would be able to access these bonds at a lower rate if there was more use being made out of the Rural Bond Bank. So I'm just -- you know, I understand that downstaters feel they can't vote for this bill or shouldn't, but I don't want you to think it's a suburban raid on the Rural Bond Bank, because frankly it's not. We were -- I was told, very definitely, that it would be asset instead. It's a very limited amount, and it does increase the amount for downstate, and hopefully more people will use it, and the rates could be lowered.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Viverito.

SENATOR VIVERITO:

...(microphone cutoff)...would the -- Senator Petka yield to a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Viverito.

SENATOR VIVERITO:

Thank you. Thank you. Why should a unit of local government in DuPage County, be afforded this opportunity, and some of the

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more deserving -- or as deserving areas in Cook County be eliminated, when there is money available for this Cook County area as well?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator, in -- from my very limited experience in this area, I, quite frankly, think that there will not be an abuse of -- of this Bond Bank by the collar counties with the potential that may exist in Cook County.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Viverito.

SENATOR VIVERITO:

But, what I'm saying, Senator, is why, we know in suburban Cook County we have some areas that are of low, very, very low income, and I might -- I might state one particular, Ford Heights, that certainly could use some bonding effort for their economic development and -- and many others as well. All I'm saying is, I think your bill is good, but why deny some of the suburban areas in Cook County, as well? Why not include it?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Senator, right now, there -- I'm hard pressed to think of any communities in Cook County that are -- that are not home rule communities. This legislation excludes all home rule communities, municipalities, within the collar counties and is designed primarily for the same class of usage as is found in the other original ninety-six counties.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Viverito.

SENATOR VIVERITO:

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Well, I'm just going to end this by telling you that Ford Heights is probably one of the four poorest in the United States of America, and I'm asking you if there's anything you might be able to do in this bill to allow some of those particular areas to get some help. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. I was beginning to have some concerns about the -- the additional monies, but you know when we looked at it in the committee and we realized that downstate was getting an extra twenty-five million dollars, and that in the collar counties it was so narrowly drawn, I wanted to expand it to be honest. And Senator Karpel is absolutely right, we should've expanded it a little bit more. But when you look at municipalities who -- and townships who have twenty-five thousand residents cannot participate in this in home rule municipalities in the counter -- collar counties, this almost excludes almost everybody in DuPage, half of them in Lake County, just a -- I think, a handful in McHenry County would even qualify, because they meet the twenty-five thousand people. Now we're saying, that there'll be extra dollars for them, but there's going to be a twenty-five percent, or -- or a twenty some percent increase for the collar counties and downstate. So downstate counties are going to make out on this. Collar counties that are rural in nature, which this whole thing was for, will get a helping hand. I think that's a pretty good deal for both sides of upstate and downstate trying to work together. Otherwise we keep pitting each other with these regionalisms. I don't think we should. I think this is a time we could help each other out and vote for this bill to help the downstaters, and some of the rural county collars <sic>. I -- I stand in support.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Shaw.

SENATOR SHAW:

Thank you. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Shaw.

SENATOR SHAW:

Senator, are you aware that we passed this bill out of here last year?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

No, sir.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

Well, we did. And are you aware that -- well, if you're not aware that we passed it out of here, you're probably not aware that Cook County was in this bill last year?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

I was not aware of any such legislation, sir.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

We -- to the bill: We did pass this bill out of here last year, and it -- it did include Cook County. It got over to the House, and they -- and the House receded from the amendment that -- and -- taken off the amendment that included Cook County, but it did pass this Body. And -- there are a number of communities in Cook County, and some in my district, and one of the previous

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speakers just mentioned Ford Heights, but you also have Robbins, Illinois, who is a non-home rule unit, who needs this type of program. And this would be applicable to them. And certainly there's other communities, such as Robbins and Ford Heights, Harvey -- but Harvey wouldn't qualify under it, but they need it. But certainly, I think it's -- it should be extended, and it shouldn't just go to one designated area. And if we're going to work for the benefit of all of the people of this State and try and help people -- local governments, I think that this kind of legislation would be a beginning to include Robbins and Ford Heights, and other communities in suburban Cook. They could use it. They need it, and certainly they're at our mercy here in terms of looking for help. And we -- when we have a good piece of legislation like this, we should include them, and I wish -- I don't know whether this is final action on this bill, here or not, but if this bill should return to the House some kind of way, I would hope that you would consider putting an amendment -- talking to the sponsor over there -- putting an amendment on it, to try and help some of the other communities that need help so badly.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Burzynski. Senator Burzynski. Senator Burzynski, I -- your light is on. You don't wish to speak. Senator -- Senator Hendon.

SENATOR HENDON:

I rise to make a motion we move the previous question.

PRESIDING OFFICER: (SENATOR MAITLAND)

Sir, there are no further speakers. Senator Petka, to close.

SENATOR PETKA:

Thank you, Mr. President, Members of the Senate. Some of those who spoke in support of this legislation have answered, much more eloquently than myself, the -- the real reasons and need for

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this legislation. This package was presented to myself, as an amendment, by the Lieutenant Governor Bob Kustra and his office. Mr. President, for purposes of legislative intent, I'd like to read the following into the record: "The change made to the definition of governmental unit, on page 2, is intended to exclude only home rule municipalities in the collar counties. This amendment is not intended to exclude townships, school districts, community colleges, or any other districts, included -- now included under the Rural Bond Bank Act." I believe that the issue has been more than adequately discussed, and I certainly would urge a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 1850 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 28 Ayes, 22 Nays, 4 Members voting Present. House Bill 1850, having not received the required constitutional majority, is declared failed. Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: referred to the Commerce and Industry Committee - Senate Amendment No. 1 to House Bill 1470; referred to the Environment and Energy Committee - Senate Amendment No. 2 to House Bill 2 -- 929, motion to concur with House Amendment No. 1 to Senate Bill 327; referred to Financial Institutions Committee - Senate Amendments 7, 8, 9 and 10 to House Bill 377; referred to the Insurance, Pensions and Licensed Activities Committee - Senate Amendment No. 2 to House Bill 32, Senate Amendments No. 4, 5 and 6 to House Bill 2108, motion to concur with House Amendment No. 1 to Senate Bill 1717 and motion to concur with Senate -- with House



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Amendment No. 1 to Senate Bill 978; referred to the Judiciary Committee - Senate Amendment No. 1 to House Bill 1069, Senate Amendments 3 and 4 to House Bill 1268, Senate Amendment No. 2 to House Bill 1437, Senate Amendment No. 2 to House Bill 1792, motion to concur with House Amendment No. 1 to Senate Bill 866 and motion to concur with House Amendments 1, 2 and 3 to Senate Bill 1140; referred to Local Government and Elections Committee - Senate Amendment No. 1 to House Bill 150, Senate Amendment No. 2 to House Bill 505, Senate Amendments 5 and 6 to House Bill 974, Senate Amendment No. 2 House Bill 1108, and a motion to concur with House Amendment No. 1 to Senate Bill 774; referred to the Public Health and Welfare Committee - Senate Amendment No. 3 to House Bill 2330, motion -- motion to concur with House Amendment No. 1 to Senate Bill 86, motion to concur with House Amendment No. 1 to Senate Bill 176 and motion to concur with House Amendments 1 and 2 to Senate Bill 1095; referred to the Revenue Committee - Senate Amendment No. 13 to House Bill 1212, and the motion to concur with House Amendment No. 1 to Senate Bill 370; referred to the Transportation Committee - Senate Amendment No. 2 to House Bill 1462, and the motion to concur -- motion to concur with House Amendments 1 and 2 to Senate Bill 395 and Be Approved for Consideration, Senate Amendment No. 12 to House Bill 1212.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR HENDON:

Thank you, Mr. President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, sir.

SENATOR HENDON:

Thank you, Mr. President, Ladies and Gentlemen of the Chamber. I have two of my constituents Ms. Thomasa Yarrington and Bill Norrell from the Chicago Avenue Project, and I'd like for them to

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stand and be recognized by the Body. Mr. Norrell, who is in charge of the loan fund, has taken money that this Senate appropriated to them, and gotten matching funds for a poor and blighted community in our district, totaling almost a half a million dollars and growing everyday. And we wanted to welcome them to the Senate.

PRESIDING OFFICER: (SENATOR MAITLAND)

Will our friends in the gallery please rise and be recognized by the Senate. Welcome to Springfield. Bottom of page 10, House -- House Bill 1878. Senator Dudycz. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1878.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCH:

Thank you, Mr. President. First of all, I'd like to thank Senator Jacobs for relinquishing the sponsorship of House Bill 1878, to me, since this -- the contents of the bill apply only to one community in the State, and that's in my district. The bill, quite clearly, provides that signs, billboards and advertising in certain commuter -- commuter parking lots shall not be removed by the Illinois Department of Transportation. It is signs, billboards and advertising placed in a publicly owned and operated commuter parking lot, servicing public transportation and adjoined on two sides by interstate highways, that do not interfere with vehicular or pedestrian traffic, as determined by Department rules, shall not be removed by the Department. This is brought upon by an instance in the Village of Rosemont where there is a sign, it's my understanding, in place now and -- and they asked

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for this language.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Cullerton.

SENATOR CULLERTON:

Senator Dudycz, I understand that there's a sign that's at the -- in Rosemont at the CTA terminal there, and technically the sign is on Department of Transportation land, which is dedicated for a right-of-way for a road. And, as a result, you're not supposed to have signs on it, and that's why we're passing this bill. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR CULLERTON:

...to allow -- allow the sign to stay?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

Well, Senator Cullerton, the information I received, it's publicly owned and -- and I was told that it's in Rosemont, and it is on public property, and the Village are the ones that are asking for this language, so that IDOT would not remove the sign. And IDOT is neutral on the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

So my question is - I'm just curious - who owns the sign? Does the Village of Rosemont own the sign, or is it a -- a privately owned sign, and who gets the revenue? Does the

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Department of Transportation get the revenue since they own the land?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator -- Senator Dudycz.

SENATOR DUDYCZ:

I -- I have no idea who owns the sign, Senator Cullerton.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

Well, I -- I understand what you're doing. I'm not opposed to leaving the sign up. I'm just curious, if it's on Illinois Department of Transportation land, I assume were getting paid the royalties for the sign, which is, as you probably know, an extraordinary amount of money could -- can be an extraordinary amount of money. And I just wanted to make sure that -- since we're going to leave the sign up, and -- that we'd -- we know who's getting the money. And you'd have no idea who getting the money?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

No, Senator, I don't. And I don't know that the Department of Transportation is owners of this land. This is not the information I received. And I think that if they were the owners of the land, they would be opposed to the bill. But my analysis says that they are neutral, and -- and I'm proceeding with the bill. And just like the House, which passed it with a vote of one hundred to seven, I would hope that we would follow suit.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

Let me just make something clear. If -- it's my understanding

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is, the reason why we need the legislation, is that it is State property. It's State property that was acquired for highway right-of-way. The current law says, you can't have a billboard on State property that's a highway right-of-way. We're passing a law that will affect one sign in the State of Illinois, and all I'm asking is, can you verify -- don't we know who's getting the revenue from the -- from the sign? And I -- I know it's on State property, so I would hope that we're getting the revenue.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

Well, you must have some information that I don't, Senator Cullerton, because I do not know, specifically, where this sign is located or who is the owner of it, or who's getting the revenue from it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Senator -- further discussion? Senator Dudycz, to close.

SENATOR DUDYCZ:

Just to seek your affirmative vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 1878 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 57 Ayes, no Nays, no Members voting Present. House Bill 1878, having received the required constitutional majority, is declared passed. House Bill 1891. Senator Sieben. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1891.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President. This legislation authorizes the Attorney General, the State's attorneys, and the Child and Spouse Support Unit of the Department of Public Aid, to request and receive from employers, labor unions, telephone companies and utility companies, location information about putative fathers and noncustodial parents to establish paternity, or to establish, enforce, or modify a child support obligation. With the amendment that information was limited to salaries, wages and other compensation paid and health insurance coverage provided by that employer. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 1891 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 57 Ayes, no Nays, no Members voting Present. House Bill 1891, having received the required constitutional majority, is declared passed. House Bill 1910. Senator Hasara. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1910.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. House Bill 1910 is a clean-up bill and a rewrite of the Statutes affecting guardianships for disabled adults from the Guardianship and Advocacy Commission. There are a

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number of points. I'll mention a couple, and I'd be glad to answer any questions. One says, if the court appoints the Office of State Guardian as guardian, the court must find that no other person is willing to accept the appointment as guardian. Another, requires that information alleged in a petition for guardianship must be known to the petitioners, or be reasonably ascertainable. That's a protection for the -- for the recipient of the guardianship. There are several other changes. They're all pretty simple and straightforward. And I'd be glad to answer any questions, and would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall House Bill 1910 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 59 Ayes, no Nays, no Members voting Present. House Bill 1910, having received the required constitutional majority, is declared passed. House Bill 2177. Senator Madigan. Senator Madigan, on the Floor? House Bill 2236. Senator Cronin. Senator Cronin. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2236.

(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 seeks to amend the Code of Criminal Procedure to further tighten up the filing period for post-conviction petitions. It places -- a no more than six months after issuance of the opinion

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from the Illinois Supreme Court, or six months after the date of the order denying the certiorari by the U.S. Supreme Court of the date for filing such a petition, with no more than forty-five days after the defendant files his briefs to the appeal of the sentence before the Illinois Supreme Court. Last year's change is retained, so it still is, the sooner or the above, three years from conviction. It passed out above unanimously -- passed out unanimously of the committee. I know of no opposition to the bill, and it passed out on the Agreed Bill List, as a matter of fact. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Shaw.

SENATOR SHAW:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Shaw.

SENATOR SHAW:

Senator, could you tell us why you are shortening the period of time for an appeal? I think you're going from six months to -- is it forty-five days or something? Could you explain what -- what the bill does?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

We want to move things along a little quicker, so that citizens of the State of Illinois are entitled to a swift justice.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

Certainly. And I concur with the swift justice, but the fact is, that if we -- if we shorten the time where that a person would have to make the appeal, and you cut him off -- cut off the



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process from him, wouldn't -- isn't there some -- isn't there a possibility that you might wind up sending a lot of people to the -- to the gas chamber, or electric chair, or the -- however we do it, unjustly? Justice should move -- justice should move slow.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

END OF TAPE

TAPE 5

SENATOR CRONIN:

The -- the -- the net difference here, Senator Shaw, would be a change that amounts to about six months in the appeal process. We're trying to move it along.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

Long as -- long as the appellate prosecutors is the one to handle these death penalty cases, what is the Appellate Prosecutor's position on this bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

They like it very much, I'm told, and the Appellate Defender's Office likes it almost as much.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

That's what I meant, the Appellate Defender. The --

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certainly, I think -- to the bill: I think that in some cases justice should be swift, but I think that we looked at a -- a case here the other day in Illinois where I have mixed emotions about, and one the jurors said that they -- he had -- he would have voted a different way, even though the process had been closed off to Mr. Davies. But certainly we shouldn't close that process off in terms of talking about what the police officers did to Mr. Davies. And you might have some other Mr. Davies out there who -- who's illiterate, can't read or write, intimidated by the police officer or officers, and they might sign a statement under the threat of duress or something. But when you pass this type of legislation, certainly death is final, and I think we should -- we should look at this and we should look at this legislation, think about it, and -- and consider the people that we have working on crime. All of those people are not perfect. They are not perfect, and they write up the right report on you and you get charged and go before a judge and jury and get the death penalty. And certainly, it's too late, after you have been injected with that serum that they inject you with. And I think we -- we need to think about this, and I -- I don't think that it should be a rush to judgement in terms of this type of legislation. And there's no doubt in my mind that this legislation is going to fly out of here, because this is what -- we feel as though that this is what the people want, of this State. But those of us who serve in this Body, we should be mindful of we have some police officers that might do the wrong thing and charge somebody unjustly out there and send that person to the chamber -- gas chamber, unjustly. We should look at it and slow the process down.

PRESIDING OFFICER: (SENATOR MAITLAND)

Ladies and Gentlemen, we are -- we are beginning to wind down. We are getting a bit restless. Let's please give the speakers your undivided attention so we can move -- move quickly to the

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close of the day. Further discussion? Senator Molaro.

SENATOR MOLARO:

Mr. President and Ladies and Gentlemen of the Senate, I'm going to support this legislation. I supported it in committee. Let's remember we always have habeas corpus. It's probably the only way we're ever going to get a reversal in this State, and it's part of the Constitution. I would just like to ask the sponsor -- he is correct. We're only -- we're only slowing this down by six months, correct? That's it...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin. Senator Molaro.

SENATOR MOLARO:

The staff was responding yes. That's -- no offense to the sponsor, but that's good enough for me. So I -- I appreciate that.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR CRONIN:

I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 2236 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 53 Ayes, 5 Nays, no Members voting Present. House Bill 2236, having received the required constitutional majority, is declared passed. House Bill 2317. Senator Ralph Dunn. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2317.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President, Members of the Senate. House Bill 2377 <sic> amends the Criminal Code to allow for extended Statute of Limitations on criminal sexual assault and aggravated criminal sexual assault from three years to five years; that is, providing the victim reported the offense to law enforcement within six months of the offense. The second part of it creates the offense of possessing or selling nitrous oxide, which is known as laughing gas, with the intent to breathe, inhale or ingest it for the purpose of intoxication or euphoria. Exempts nitrous oxide administered in medical or dental care by a licensed practitioner. This bill -- House Bill 2317 passed out of the Judiciary Committee 11 to nothing. I'll be glad to answer any questions and appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 2317 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 57 Ayes, no Nays, no Members voting Present. House Bill 2317, having received the required constitutional majority, is declared passed. House Bill 2338. Senator Cronin. House Bill 2407. Senator Weaver. Senator Weaver, you wish this bill recalled to the Order of 2nd Reading for the purpose of amendment? Senator Weaver seeks leave of the Body to return House Bill 2407 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 2407. Madam Secretary, are there any Floor amendments approved for

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consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Weaver.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. Chairman and Members of the -- the Senate. Floor Amendment No. 2 addresses some concerns that the County of Cook and the City of Chicago had in the Medical Center commission <sic> District, and I would move its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Weaver moves the adoption of Floor Amendment No. 2 to House Bill 2407. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and 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. House Bill 2429. Senator Rauschenberger. Senator Collins, for what purpose do you arise?

SENATOR COLLINS:

Yes. Thank you, Mr. President. In looking at our staff analysis on Senate Bill 2336, I saw some new information, and I would like the record to reflect that had I had the information, I would have voted No instead of Aye. House Bill 2236.

PRESIDING OFFICER: (SENATOR MAITLAND)

The record will so indicate what your intentions would have been, Senator Collins. All right. Ladies and Gentlemen, bottom of page 15, Secretary's Desk, Resolutions. Senate Resolution 59. Senator Hasara. Read the resolution, Mr. Secretary.

SECRETARY HARRY:

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Senate Resolution 59, offered by Senators Hasara and Woodyard.  
There are no committee or Floor amendments, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. This resolution asks the federal government to reconsider closing the Springfield Small Business Administration Office. This office serves many, many downstate counties and has been very successful in assisting small businesses. I would ask for its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there -- is there discussion? Is there discussion?  
Senator Hasara moves the adoption of Senate Resolution... Senator Jones, for what purpose do you arise, sir? There were -- there were no lights on when I...

SENATOR JONES:

I'm sorry. I just caught this at the last minute, Mr. President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates she will yield, Senator Jones.

SENATOR JONES:

Senator Hasara, is that an attempt to close this office, is the current administration, the President, trying to close the office in Springfield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hasara.

SENATOR HASARA:

That's my understanding, Senator.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones.

SENATOR JONES:

Or is this part of the Contract with America in downsizing

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government? Is it part of the Contract with America that's coming over from -- reason why I'm asking that question, because I -- I knew of nothing that the administration was doing, except for Congress was attempting to do -- in downsizing government. So, is this part of the Contract with America that the Speaker of the U.S. House, Newt Gingrich, is pushing through?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hasara.

SENATOR HASARA:

I really don't know, Senator.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Jones.

SENATOR JONES:

Well, I believe this is part of his budget-cutting measures that we -- that is coming down from the -- the Congress of the United States, and what I would suggest, Senator, or future mayor, is that you write your congressperson, or write Newt Gingrich, because when individuals stand up and say we want these things done but in this resolution it doesn't identify the culprits who are trying to take this office away. This is part of the Contract with American, rushing through government, hurting people and hurting the people of Springfield. And I -- I wish the resolution would address those individuals who are doing it, rather than just memorialize Congress, because I don't think all congresspersons are trying to do that.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Briefly, Mr. President and Ladies and Gentlemen of the Senate. That's exactly why she's pushing forth this resolution, to send a reminder to Congress and not -- and forget about our political byways, and I speak for the resolution.

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PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara has moved the adoption of Senate Resolution 59. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Senate Resolution 61. Senator Dudycz. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Resolution 61, offered by Senator Dudycz. There are no committee or Floor amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. The Calendar says that the resolution persuades the U.S. Congress to protect the sanctity and the integrity of the eighty-year-old home mortgage interest deduction, and I just wish that we can have resolutions that persuade the Congress to do anything. But, in fact, what the resolution does, it commends and supports the Illinois Association of Realtors, as well as the Northwest Association of Realtors in Chicago who drafted this resolution in their efforts to persuade the U.S. Congress to protect the sanctity and integrity of the home mortgage interest deduction and to take no federal action that would result in either limiting or eliminating the interest deduction afforded to homeowners. I know of no objection to this and would seek your affirmative support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there -- is there discussion? Senator Collins.

SENATOR COLLINS:

I would just say ditto to what Senator Jones said before. This is another one of these resolutions to -- to -- to save face here. This is what the Republicans are doing to balance the budget in Congress. It is wrong. I have to say that -- that it's a good idea, but it's to save your own hide.



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PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

He indicates he will yield, Senator Cullerton.

SENATOR CULLERTON:

Does -- does this resolution cover the second mortgage on a second home up to a million dollars? Do -- do we want to retain that deduction as well?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCYZ:

I -- I -- I'm sorry. I didn't understand the question, Senator. Did you say, if it covers your two-million-dollar second home?

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yeah. Here's how it works, I think. Your primary residence, you get to deduct everything, even if it's a five-million-dollar home. And then if you have a second home, the federal government has limited your deduction on the interest on your mortgage for the second home to a million dollars. So, I just want to make sure that -- that this resolution covers the current law. We want to make sure we get to retain that million-dollar deduction on the second home, as well.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Dudycz, to close.

SENATOR DUDYCYZ:

Just -- I'd like for this resolution to cover my next-door neighbor's hundred-and-fifty-thousand-dollar home-mortgage

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deduction and all the others that are applicable currently.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz moves the adoption of Senate Resolution 61. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Senate Resolution 68. Senator Woodyard. Read the resolution, Mr. Secretary.

SECRETARY HARRY:

Senate Resolution 68, offered by Senators Woodyard and Weaver. There are no committee or Floor amendments, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. This resolution was suggested by the University of Illinois College of Agriculture, and after you get through the whereases, what it would do is establish a joint study committee within the Senate Ag-Conservation Committee and the House Ag-Conservation Committee to work with the University in developing the role of the land grant colleges in the future in its College of Agriculture. That's what the resolution does.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall Senate Resolution 68 be adopted. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 59 Ayes, no Nays, no Members voting Present. Senate Resolution 68 is adopted. House Joint Resolution 33. Senator O'Daniel. Read the bill, Mr. -- read the resolution, Mr. Secretary.

SECRETARY HARRY:

House Joint Resolution 33, offered by Senator O'Daniel. There are no committee or Floor amendments.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President and Members of the Senate. House Joint Resolution 33 urges the Congress of the United States to propose to the states an amendment to the Constitution of the United States which would specify that Congress and the states have the power to prohibit the -- the physical desecration of the United States Flag. And I would ask for the adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall House Joint Resolution 33 pass. Those in favor will -- will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Senate Joint Resolution 15. Senator Palmer. Senate Joint Resolution 21. Senator Mahar. Senate Joint Resolution 44. Senator Parker. Senator Parker? Read the resolution, Mr. Secretary.

SECRETARY HARRY:

Senate Joint Resolution 44, offered by Senator Parker.  
No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Supplemental Security Income is a federally funded and administered need-based program that provides monthly cash benefits to cover food, shelter and clothing to persons who are disabled, blind or age sixty-five or older. Senate Joint Resolution 44 urges the U.S. Congress to carefully consider the impact that the proposed changes in the Supplemental Security Income Program will have on the states and on the population served by the program. In addition, it urges Congress to maintain

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the SSI Program as administered by the federal government at the federal government level. This resolution supports the National Governors' Association position. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. Again, here we go once again. It's part of the Contract with America. The Social Security income, and -- which Newt Gingrich said he going to cut out, but it's a shame that no one on that side of the aisle, when they stood on the steps of the Capitol, opened their mouth and said a mumbly word. Now we come in with these resolutions memorializing Congress. The resolution should be more specific. It should have Newt Gingrich in there and all those individuals who stood there trying to cut programs that are going to hurt people, rather than passing these meaningless resolutions. So again, you're trying to save face. I understand. We'll give you a vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Welch.

SENATOR WELCH:

Yes. I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates she will yield, Senator Welch.

SENATOR WELCH:

A few weeks ago Senator Watson had a resolution urging a balanced budget in this country, and it passed out of here. And now we have a resolution urging Congress not to pass one particular facet of getting to that balanced budget that Senator Watson urged. Now I'm just wondering how, Senator Parker, a person can be a follower of Senator Watson, a "Watsonite" I guess you might call them, and -- and yet -- and yet vote for this in good

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conscience.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates she will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, without the text of the amendment and just your explanation in mind, you're not suggesting by this, are you, that that program doesn't need tightening up?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Parker.

SENATOR PARKER:

You're absolutely correct. There is no intention here that it shouldn't be changed or tightened in some way to manage it better. The thing is that we are concerned bringing this back to the State at this time would be an economic problem for this State, and it should be kept at the federal level with more study.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

So -- so your resolution is aimed at keeping it administered at the federal level, but you're not suggesting that there shouldn't be some restrictions on the current program.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Parker moves the adoption of Senate Joint Resolution 44. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Senate Joint Resolution 45. Senator Cronin. Read the resolution, Mr. Secretary.

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SECRETARY HARRY:

Senate Joint Resolution 45, offered by Senator Cronin.

No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. We had an opportunity to debate this issue in committee pretty thoroughly and on the Floor the other day. This is the resolution that authorizes the Toll Highway Authority to expand the toll highway system to include an O'Hare Airport bypass with extension. This has been a project that's been in the works for -- for a number of years. The project consists of two distinct segments. The O'Hare bypass would connect the Northwest Tollway in the vicinity of the Elmhurst Road interchange with the Tri-State Tollway near Grand Avenue. The corridor lies within the western boundary of O'Hare Airport and terminates at the existing tollways. The extension would connect the proposed Elgin-O'Hare Expressway at I-290 with the O'Hare bypass at York Road and generally follow alignment of Thorndale Avenue. The extension has been identified as the eastern portion of the Elgin-O'Hare Expressway and would provide western access to O'Hare Airport. This -- this resolution addresses some major traffic congestion problems that have existed for -- for many years recently in and around O'Hare Airport. And we think that this would alleviate traffic congestion in that area and provide a better quality of life for people in and around the O'Hare Airport area, and I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. I believe

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that this resolution is in violation of State law. We have a Statute on the books, it's Section -- it's Chapter 605 ILCS 10/14.1, Approval of plans and estimates of cost by Governor. The Authority - that's the Tollway Authority - shall, prior to the issuance of any bonds under this Act, except refunding bonds, prepare and submit to the Governor for his approval preliminary plans showing the proposed location of the route or routes of the particular toll highway for which the bonds are to be issued. The next Section says that prior to submission of the preliminary plans to the Governor, the Authority shall hold a public hearing at which time any person may appear and express their opinions. After you have the public hearing, after the Authority, prior to issuing the bond, prepares and submits to the Governor for his approval, then the Statute says if the Governor shall approve the preliminary plans and the estimate of the costs, the Authority may thereupon proceed with the issuance of bonds. But prior to the issuance of bonds for the -- commencement of construction, the Toll Highway Authority shall be authorized by joint resolution of the General Assembly. So because it's the end of May and because we're in Session and because we're into our -- our -- doing our thing down here with Chicago and all the other stuff, we're rushing in and doing our authorization of the joint resolution before we had the public hearing, before the Governor submitted the plans. So someone will file a lawsuit, cite this Section, cite this debate and say that they can't issue the bonds. And you know how bonds are. Bonds are -- before they're issued, they do a study that goes through everybody's -- well, they do a very thorough study before any bond -- due diligence - thank you - would be a very good term to use, and they won't issue these bonds because they didn't follow the Statute. So I think for that reason alone we should vote No.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Senator Cullerton. This -- the issue was raised in the committee, and -- and, Senator, you repeatedly said that you were working within the confines of the Statutes, and we do have the Statute, which Senator Cullerton just read from. Therefore, it -- it -- it really leads me to believe what -- what I said in the committee, and that was this is another attempt -- another attempt -- to landlock O'Hare field. Now I -- I understand and I'm not opposed to eliminating, as to the extent possible, some of the traffic congestion out there. I don't think anyone would be opposed to doing that. But it's -- it's the process by which you are proceeding to do so, and you're going outside of the limits of the law. And therefore, it raised the issue of -- of being suspect as to just what and why this is being done in the place based on the areas that you say are planning to do it. The other problem I have with it is that the Toll Authority, we have some real serious problem with them in terms of accountability and what they're doing. You know, when they first issued that authority -- the authority to go out and to -- to sell the bonds to build the roads and everything, they were to pay back those bonds and -- and then the roads would be free. But instead, we're constantly expanding and expanding and they're taking in more money and more money with less accountability and misusing money. And so we don't want to keep granting these people authorities without a plan -- a concrete plan -- that has been approved and signed off by the Governor before we, the Legislature, take this action. And so you're kind of putting the cart before the horse here, and I would just say that we shouldn't act on this -- on this amendment at this -- on this resolution at this time.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Welch.



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SENATOR WELCH:

Yes. I -- I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Welch.

SENATOR WELCH:

Senator Cronin, in your remarks you said this was for the betterment of the life and safety of residents of the area. What roads would an individual drive on currently that would be replaced by this toll road? What -- what highway would you be on to bypass O'Hare?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Well, we're not replacing anything; we're just supplementing, improving quality of life. We're -- the project will divert traffic from both I-190 and the Tri-State on the eastern side of O'Hare. This will provide relief from the serious level of traffic congestion currently experienced at the Airport's primary existing entrance as well as reduce delays for those bypassing the Airport. Significant traffic volumes will be accommodated by this O'Hare bypass and the extension and relieve local routes. Local routes that go through neighborhoods and communities of traffic destined for the existing interstate highway system. This project provides western access to O'Hare Airport, as well.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Welch.

SENATOR WELCH:

Are you going to be closing public roads that are open now and replacing them with a tollway, or will the tollway go through unused land or forest preserve area, as well as part of O'Hare Airport?

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Cronin.

SENATOR CRONIN:

Well, I can't tell you the exact specifics, but I know that we're going to be very sensitive and very cognizant of any issues that may have impact on the environment and neighborhoods and communities. The goal is to improve quality of life and improve traffic movement through the area.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

How much -- how much will it cost to drive on the "Cronin Tollway"?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

It will be a minimal user fee - very minimal.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

Senator Cronin, I just -- I just find it uncharacteristic of you, as a fiscal conservative and a person who's always been concerned about his constituents, to impose upon them a paying toll highway as opposed to a freeway. Why do you want to make your constituents pay money to use highways, instead of letting them use a freeway? I don't understand why you want them to pay for something they can get for nothing, now. That doesn't make sense to me, and I think it's inconsistent with your philosophical views down here over the last couple of years. Could you explain why you're departing from your usual fiscal conservatism here today?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

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SENATOR CRONIN:

Well, as you know, there's never anything for free. Everything costs. And consistent with my philosophy of fiscal integrity is also responsibility, accountability. And, you know, for those who use the tollway, it's probably fair that the users pay a minimal, fair user fee. How was that?

PRESIDING OFFICER: (SENATOR MAITLAND)

Further -- further discussion? Senator Weaver.

SENATOR WEAVER:

I'd move the previous question.

PRESIDING OFFICER: (SENATOR MAITLAND)

There are one, two, three, four, five additional speakers. Senator Shaw.

SENATOR SHAW:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Shaw.

SENATOR SHAW:

How much will this cost, Senator Cronin.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Well, they -- with the authorization of this joint resolution, the Toll Highway Authority is -- is permitted to issue bonds. That's a debt instrument that is paid back by the tolls.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

Maybe I wasn't talking plain enough. How much will it cost? Give me the dollar figures.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

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SENATOR CRONIN:

Well, it depends how you define cost.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Shaw.

SENATOR SHAW:

Are we building anything, and -- maybe we're not building anything. Are we building anything?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

We're building jobs for the AFL-CIO, who is in support of this bill. We believe in jobs and we also believe that this will alleviate traffic congestion and improve quality of life in and around O'Hare.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shaw.

SENATOR SHAW:

I understand that. In -- in -- in 1992, when this study was conducted -- according to the Tollway Authority, the study was conducted in 1992 and the total cost of the expansion that you want to put your name to, at that time, my analysis said cost six hundred and twenty million dollars. Is -- is that a figure that -- can you accept that figure?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Well, I've been informed by the Tollway Authority more recently than 1992 and they tell me that as of today, that those figures are wrong and that through traffic -- increase in traffic and the tolls, that they will be able to finance this, and in the end, it will be a moneymaker.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Shaw.

SENATOR SHAW:

To the -- to the resolution: According to the Tollway Authority's own briefing papers, they stated that in 1992, that it was six hundred and twenty million dollars. The cost has gone up since that time, and what you are trying to do here is authorize the Toll Authority to float bonds of over a half a billion dollars that would impact the taxpayers and the -- some of your own Members - Senator Butler's district. He's going to be paying -- his people is going to be paying this six hundred and twenty -- or six hundred and fifty million dollars cost - everyone that use this tollway - after the bonds are floated. And all of those northwest side districts over there will be paying the cost, and I would not think that you would introduce this type of resolution when this tollway was supposed to have been paid for more than twenty years ago - twenty years ago - and you still are charging the people of the area for the use of this tollway. I think -- and now you want to come back and add another -- float another thirty or forty years worth of bonds that our great grandchildren will be paying for. I -- you know, I didn't think you was one of the big spenders, but this is not a big spender. I understand you represent that elephant and he's a big fella, but this is too much cost on the people out there. And, Senator Cronin, I -- I just don't believe that you want this resolution, not to try and get back at Mayor Daley up there or something. The people of your district don't want you -- don't want to pay this kind of money for a tollway. The people of Representative -- Senator Butler's district don't want to pay this kind of money for this tollway, just to be trying to spite the City of Chicago. This -- when you wind up here, you're talking about over a billion dollars, just for one project, because somebody on your side of the aisle is mad at the Mayor of Chicago. That is unfair to the people of this

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State. And I don't think -- when the Senators who surround this tollway look at this cost and have to go back and explain it to their people, I think they're going to have a hard job to do, talking about "I was mad at Mayor Daley and we wanted to close down O'Hare." That's not a good enough explanation. You're going in the bottom of the pockets of the people of -- of those districts.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator del Valle.

SENATOR DEL VALLE:

Senator Cronin, Senator Cullerton did refer to the Statute, and the way I read the Statute, I -- I think that this resolution is -- is out of sequence here, because according to the Statute, the Governor has to approve a preliminary plan which includes an estimate of the costs of construction. Did the Governor approve a preliminary plan that includes the cost of construction?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

I don't know that the Governor did, but I know that there has been plans developed and -- and discussed and debated for years. Before any issue arose with Mayor Daley, this need has been identified. Senator Shaw himself pointed out a study that was -- that was published in 1992. This is not a new issue, and to suggest that it is somehow or other in response to what's happened of late is just really unfair. Your reading of the Statute, Senator del Valle and Senator Cullerton, you're entitled to your opinion, but we respectfully disagree. There are separate and

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independent steps in the Statute. There may be some sequence laid out for the Governor in the Executive Branch, but we read the Statute to suggest that -- that -- that it does not lay out a sequence of action with respect to the action of the Illinois General Assembly. We can act here prior to the issuance of bonds. That's what I have the Statute here -- right here. Prior to the issuance of bonds for the commencement of construction of any toll highway, however, that particular toll highway shall be authorized by joint resolution. It does not say within that sentence when it should take place in relationship to the other sentences that you are citing. So, you're entitled to your interpretation of it, but we respectfully disagree.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator del Valle.

SENATOR DEL VALLE:

Again, I have to cite the Statute. It says "if the Governor" - if the Governor shall approve the preliminary plans and the estimate of the costs thereof, the Authority may thereupon proceed with the issuance of bonds. I read this to say if the Governor approves it, then everything else moves forward, but the Governor has to sign off first. And so I -- I -- I have to differ with you. I think you are not reading it correctly.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator DeLeo.

SENATOR DeLEO:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator DeLeo.

SENATOR DeLEO:

Thank you. Senator Cronin, let me ask a couple questions. Would this stop O'Hare's ability to expand or develop any runway,

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any part of O'Hare property?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Maybe.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeLeo.

SENATOR DeLEO:

So it would impact the future improvement of O'Hare. Does the tollway, this proposed extension, go on O'Hare property?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

The proposal - and there can be other proposals - but one proposal does suggest that the Toll Highway Authority at one point would lie within the western boundary of O'Hare's property.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeLeo.

SENATOR DeLEO:

Thank you. Then to the bill: So this -- what we're doing here would impact future improvements, developments, the expansion of O'Hare. So if we're trying to do -- alleviate congestion on the western end of O'Hare or making traffic flow to O'Hare easier and more accessible, we're doing the opposite; we're curtailing and taking O'Hare property. I would urge a No vote on Senate Joint Resolution 45.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Members of the Senate. I also obviously rise in opposition for a couple of reasons and will attempt to be brief. First - I think it's been mentioned by



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several - I do remember when the tollways were built, the media hype at the time. Chairman Bonniwell - Donald Bonniwell - the first <sic> Chairman of the Illinois Toll Highway Authority who indicated to the people of western suburban Cook and eastern DuPage this road will be a freeway in twenty years. That was the commitment of the State of Illinois. That commitment had been carried forward till quite recently, and now these particular roads that were paid off fourteen years from construction were not paid off, because now everybody's using those incomes to pay for these roads that do not have enough traffic to warrant actually being built or to pay for themselves. So I think the first pledge to the people of Illinois is being broken and that is that the toll roads would become freeways once the bonds were paid off. More importantly, this road will never be built. Based on the debate before this General Assembly, in this Senate on this day, bond counsel could never give an opinion that any buyer of bonds would ever accept, and bond counsel would jeopardize their entire insurance ability because any bond buyer would come in later, if the bond didn't perform in some miraculous way, and say, "Wait a minute. How did you give an opinion when the sponsor of the legislation said, 'We don't know where the road's going to be, but we're approving it. We don't know how much it's going to be, but we're going to approve it.'" There are steps that have to be taken before we take action. This has destroyed the ability, at this time, for this road to be built.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR CRONIN:

We have -- we've had a pretty thorough debate on this. I would just like to respond to one of my colleagues. I would respectfully disagree that -- that this guarantees that this will not be built. And if he believes that he's right, then you

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probably should support us in -- in voting for this resolution, if you think that it will guarantee that this won't be built. I, as the sponsor of it, have every intention that this is -- that this is a traffic need, and there is but one proposal discussed. There may be other proposals. We'd like to talk about it with all interested parties to see where this roadway will lie. Let me clarify the record as well. There is no - no - State money that will be contemplated in the construction of this tollway. That's the beauty of the tollway system. It's a self-sustaining system. Does not use taxpayer's money. It used tolls, of course, which are user fees, but it does not use State money. Does not impact our GRF budget down here. Not one red cent is used. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin moves the adoption of Senate Joint Resolution 45. 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 34 Ayes, 24 Nays, no Members voting Present. Senate Joint Resolution 45 is adopted. Senate Joint Resolution 47. Senator Philip. Read the resolution, Mr. Secretary.

SECRETARY HARRY:

Senate Joint Resolution 47, offered by Senator Philip.  
The Committee on Executive adopted one amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Joint Resolution 47 creates a Special Joint Investigation Commission <sic> on Metropolitan Airports. That would mean O'Hare, Midway and Meigs. It creates a six-member committee: Three from the House; three from the Senate; two

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appointed by the Majority and one by the Minority. You would end up with four Republicans, two Democrats. And co-chairmen -- the co-chairmen would be a House Member and a Senate Member. Why should we create this investigation commission? Very simply stated, as you know, the City has entered into a compact with the City of Gary and taking Illinois tax dollars and sending them over to Indiana to help their second or third rate airport. Secondly -- secondly, as you know, we put a PFC on for the new airport, of three dollars a person who flies in and out of O'Hare field. That raised ninety million dollars the first year. The second year it'll raise, probably, a hundred and ten million dollars. Where is that money being spent? You probably watch W -- Channel 5 WMAQ Pam Zekman investigation before the election of O'Hare field where they had five employees on TV, with covered face, muffled voices, telling you that during working hours they were told that they had to go out and knock on doors, campaign for the Mayor and sell tickets for his reelection. It's also interesting, one day they were up at a headquarters for the Mayor and up pulls a city vehicle with a city license plate on it. Out pops this city employee carrying literature into the headquarters. The TV camera jumps him and puts a microphone in his face and says, "What are you doing with this campaign literature during office hours?" All the guy did was mumble and run in. We find out afterwards, the guy is a inspector in the Inspector General's Office for the City of Chicago. This is a guy who is supposed to be out there finding people who are goofing off on the jobs and doing corruption. He's an investigator in a city vehicle. So I could go on and on and on. There's a lot of stories to tell. Let me say a little something about safety, if you're worried about safety. As you know here about two weeks ago we had a -- a jet cargo plane run off the end of the airport runway and get stuck in the mud. It took them over a day to pull that thing back out and -- and get it

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back on -- on the runway. We also had, as you know, a tire fall off a United airline. Luckily it landed in an AVIS -- a rent-a-car parking lot smashing five automobiles. Now, here about last weekend a United Airlines dropped six -- thirty thousand pounds of jet fuel. Where do you think they dumped the jet fuel? Over Wood Dale, Illinois and Bensenville, Illinois. They, normally, tell me they drop it over Lake Michigan. That when they have too much fuel they go over Lake Michigan and dump it in the lake. Now, who do you think would get away with dumping? If you were -- you were a large corporation polluting Lake Michigan they would red-tag you in about fifteen minutes. They do that all the time. Nobody knows when they do it. How much it is, or where they dump it. We ought to have somebody looking at that. You want to know why we don't have any perch in Lake Michigan? One of the reasons is, all the airlines are dumping their fuel. Where are they dumping it? Lake Michigan. Merry Christmas. Anyway, it ought to be investigated. Everybody knows it ought to be investigated. So I'll be happy to answer any questions, and ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Collins. I'm sorry. Senator Jones. Senator Jones.

SENATOR JONES:

Hold on. This is a point of order. According to our rules, I did request a fiscal note on this resolution, and -- and to my knowledge, it has not been filed. So according to our rules we really cannot proceed until such is filed.

PRESIDING OFFICER: (SENATOR MAITLAND)

Mr. Secretary, do you have a fiscal note request?

SECRETARY HARRY:

There has been a fiscal note filed, Mr. President -- a request for a fiscal note.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones, the Chair rules the fiscal note request on Senate Joint Resolution 47 out of order. The Fiscal Note Act expressly refers to bills. Further discussion? Senator Collins. Senator Jones.

SENATOR JONES:

Well, we are talking about expenditure of dollars, and we are talking about the expenditure of General Assembly dollars. So the fiscal impact note does apply. This is -- we are an agency. We are spending money, and that's the reason why the request was made. I expected you to rule in favor of the -- of Senator Philip. I mean -- I want you to realize we are expending dollars, we should know the fiscal impact.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yield to Senator -- Senator, I would like for him to speak first and then you can come back to me.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins, I -- I called on you, and I -- you know, I -- that's -- it's really the Chair's prerogative. Is there some special reason? Senator Collins.

SENATOR COLLINS:

I yield my time to Senator Clayborne.

PRESIDING OFFICER: (SENATOR MAITLAND)

Very good. Thank you. Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would move to suspend all applicable Senate rules and pursuant to Senate Rule 7-9 further move to discharge Amendment No. 3 to Senate Joint Resolution 47 from the Senate Rules Committee to the Senate for immediate consideration by the full Senate. This was

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previously voted on in Senate Rules Committee not to allow this amendment out, and at this time I would request -- move to discharge and request for immediate consideration before this -- this Body.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Clayborne, we're not on the -- on the Order of Motions and debate will continue on the resolution. Further discussion? Further discussion? Further discussion? Senator Carroll.

SENATOR CARROLL:

I think out of respect the leader was always given when they refer...

PRESIDING OFFICER: (SENATOR MAITLAND)

Oh. I -- I see, Senator Jones' light. Yes. Senator Jones.

SENATOR JONES:

Well, it may be a little difficult at times to see, Mr. President. However, a motion on this issue, out of all due courtesy this motion is not out of order, as you have so ruled. What -- what the Senator has asked for is immediate consideration, because the motion that he's seeking to have us act on impacts on this legislation. And the motion deals with the serious problems of taxpayers' dollars as relate to the thirty million dollars of taxpayers' dollars given away as relate to the Renaissance Hotel, right here in Springfield. And we legislators feel that this should be part of any investigation. You know about this. The Treasurer has given the taxpayers' dollars away. So we want an investigation. That's what his motion is about, and you -- and this Body should consider that motion. We're not concerned about a investigation at O'Hare Airport, but if you are consistent, Mr. President, you would allow that motion to be proceeded, and I'm quite certain, Senator Philip, talk about corruption and government and taxpayers' dollars, then you will, Senator Philip, want this to be part of the investigation. Let's investigate the

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Renaissance Hotel. Let's investigate the thirty million dollars of taxpayers' dollars that the Treasurer gave away. That should be part of this whole process, if you are genuinely sincere, and Mr. President you should withdraw your -- your ruling and -- and the Gentleman who asked for this motion -- let us act on the motion out of respect.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones, with due respect to you sir, I have made my ruling. Senator Clayborne.

SENATOR CLAYBORNE:

Mr. -- Mr. President, I would ask for appeal of your ruling, and -- and the reason why, Mr. President is I'm new to this process. However, as Senator Philip has gone on and stated, I can read -- and it talks about -- in the paper it talks about where there is GOP patronage at the DuPage Airport Authority, which was created at the behest of Senator Philip, and that he hired his cronies to top management positions. I'm -- I can read where in appropriations...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Clayborne. Senator Clayborne, please stick -- stick to the issue.

SENATOR CLAYBORNE:

Can I have an appeal?

PRESIDING OFFICER: (SENATOR MAITLAND)

You -- you can request an appeal of the Chair. Yes, sir. Are requesting appeal of the Chair? Senator Clayborne has appealed the rule of the Chair. The question is, shall the ruling of the Chair be sustained. All those in favor of sustaining the ruling, vote Aye. All those opposed to sustaining the ruling, vote 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 32 Ayes, 26 Nays, no Members voting

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Present. The -- the question having failed to receive the necessary three-fifths negative votes to -- the appeal fails, and the ruling of the Chair is sustained. Is there further discussion? Further discussion? Senator Carroll.

SENATOR CARROLL:

Why, thank you, Mr. President. I have an inquiry of the Chair as well. I believe there is nothing - I will repeat that, I believe there is nothing - before this Body at this time, and I go for it on this basis. The original resolution was a shell resolution. It's titled Senate Joint Resolution Numbered 47, and has a Resolved clause. The amendment adopted by the Executive Committee, then adopted on the Floor, strikes everything including the fact that it was Senate Joint Resolution No. 47. There is nothing pending before the Body, Mr. -- Mr. President. And I refer you to the amendment, which says, "By replacing everything with the following:" It then starts with, "Whereases", there's nothing pending before the Body.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Senator Severns. Senator Carroll, we are on the Order of Senate Joint Resolution 47. It is the Chair opinion -- that is the resolution we are on. Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. What I asked for was the affect -- was for a ruling, because if you read the resolution, as introduced, and then read the amendment, there is nothing before the Body, and I'm asking for a ruling of the Chair. Having read...

PRESIDING OFFICER: (SENATOR MAITLAND)

And the Chair has ruled...

SENATOR CARROLL:

...having -- excuse me. Let me just -- having read -- if the



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Chair has read the resolution, as introduced, and read the amendment, which strikes everything that was in the resolution that was presented. There is, therefore, nothing before the Body, and I'd ask the Chair if he has read both and if he's -- if he would rule.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll, the Chair rules that we are on the Order of Senate Joint Resolution 47. That is -- that is the issue. We're on resolutions. That is the issue before the Body. Further discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

He indicates he will yield, Senator Collins.

SENATOR COLLINS:

Senator -- Senator Philip, I am not opposed to any investigation of O'Hare if you believe, or if you have reason to believe, that there is some wrong doing, and -- and actually I -- I commend you. Now, I'd like to ask the question, given the fact that you knew about all of the allegations, which you yourself indicated that the DuPage Airport was now being investigated by -- by the federal government, the Internal Revenue and God knows who, did you put in a resolution at all for an investigation of DuPage Airport?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I -- I did not, Senator, for this reason: As you know, we -- we had a -- a President of the DuPage County Board of Supervisors - a man by the name of Botti - made all kinds of accusations about the airport. Because of his accusations the IRS

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and the FBI have been investigating that airport for well over a year - almost two years. The Chicago Tribune has done at least a three-year study on the DuPage County Airport. And quite frankly, I don't think we ought to tinker or -- with their investigation. Let's see what happens. There's some wrongdoing out there. They ought to be indicted. They ought to be convicted. I don't have any problem with that at all.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

So -- so -- so you're saying that before the Tribune and the newspapers you did not know of the corruption or the allegations of DuPage Airport.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Philip.

SENATOR PHILIP:

Well, I wish we would stick to Senate Joint Resolution 47. I -- I -- myself, personally, I do not know of any wrongdoings out at that airport. I'm not -- I fly out of that airport when we're down here. Other than that, I don't have anything to do with the airport. To my knowledge there was no wrongdoings out there at all.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senator Philip, let me make two points if I might. First of all, on April the 24th of 1995 Senator DeAngelis caused to have passed by the Legislative Audit Commission, with unanimous support, commanding the Auditor General to do an audit of the airports in the Chicago Metropolitan Area to serve millions of -- that airport that serves millions of people. So there is, in

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fact, going to be an audit that's going to be conducted by the Legislative Audit Commission commanding the Auditor General to do so. I would also further like to point out that this -- obviously, yours is the second one. That resolution had unanimous support in the Legislative Audit Commission, and that is a matter of the transcript that I have here in front of me. I might add that we are not attempting, by virtue of anything that Senator Clayborne had in his resolution, to prevent that action which you are currently contemplating. As a matter of fact, let me read one paragraph on page 4 of Senator Clayborne's Amendment No. 3. It says that, "A Special Joint Investigative Committee on Metropolitan Airports and Downstate Hotels be created for the purpose of investigating the financial and management practices of O'Hare, Midway," ... "Meigs airports" ... "Collinsville Holiday Inn and the Springfield Renaissance" hotel, and it -- and incorporates everything that you are attempting to do by virtue of your amendment to Senate Joint Resolution 47, and includes the other two items and therefore, it just seems to me that it would make good sense and good practice and since we are now conducting two audits from two different areas with respect to the Chicago Metropolitan airports that we add the downstate hotels. That's all we're attempting to do. You've indicated apparently, by the last appealing of the -- of the roll call in the vote that you don't wish to do that. I would hope that you would reconsider and consider Senator Clayborne's amendment and add the hotels.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, just as a matter of personal privilege. Senator Demuzio, the Auditor General wrote me a note back and told me that he was rather reluctant to do that investigation because he felt that perhaps he needed more legislative authority, and I think

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that what Senator Philip is trying to do is precisely that. He would have -- he -- just a minute -- he said that he did not feel comfortable doing that audit under the circumstances under which it was given, and you know there was unanimous approval, but there was also universal Democratic complaining afterwards about that resolution. So it was not as -- there wasn't the kind of unanimity that you think there was.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Severns. Senator Demuzio, for what purpose do you arise sir?

SENATOR DEMUZIO:

Well, on a point of personal privilege, because Senator DeAngelis mentioned my name in his -- his remarks. Unanimous. For the record. Passed by the Audit Commission. I've served there for twenty years. I have never known the Auditor General to write back to a co-chairman of the Audit Commission saying, "I can't conduct an audit". That is not your responsibility. That's the responsibility of the Commission to make that determination, and I represent -- resent the representation that you have just made. All we are attempting to do is to add the hotels to the resolution. What's wrong with that?

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion?

SENATOR DEMUZIO:

And let me further point out that for the record who complained afterwards? Did you -- did you submit the resolution ahead of time to allow the Members the opportunity to even know it was even coming? But we said that we would go along with it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. I regret,

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Mr. President, that the amendment that Senator Clayborne and -- and I, and several Members on this side offered to make your resolution a stronger resolution had, what many of us would consider, an unfortunate ruling. I think it's fair to ask, Mr. President, where is the outrage? Where is the indignation? This is not a partisan issue. The hotel deal is something that should outrage us all. It most certainly outrages the people we represent. We would love to have...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Severns. Senator Severns, I'm going to...

SENATOR SEVERNS:

I'm speaking to the resolution.

PRESIDING OFFICER: (SENATOR MAITLAND)

I'm going to ask you to speak to this resolution.

SENATOR SEVERNS:

I'm speaking to how the...

PRESIDING OFFICER: (SENATOR MAITLAND)

Speak to this resolution, Senator, please.

SENATOR SEVERNS:

Thank you, Mr. President. To the resolution, Mr. President, and to making it stronger, Mr. President: We would love to have bipartisan support to make this resolution a stronger resolution, but because we do not, will not prevent us from raising this issue again and again until we act. To do otherwise would force us to join the ranks of those who've forgotten why they began and forgotten who sent them here. Your resolution states concern over actions that you believe have taken place. We've tried to make your resolution a stronger resolution, because we, too, are concerned about actions that have taken place. I believe, Mr. President, had you permitted us to make a stronger resolution that we would have possibly fifty-nine votes -- at least fifty votes or more in support of the resolution. Give us the chance, Mr.

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President, to act on an issue that a weary electorate expects we will ignore; that a weaver electorate expects that we will sweep under the rug. Give us the chance, Mr. President, to do the right thing. All we ask is that the voices of reason, common sense and indignation be heard. This issue will not go away, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Jones.

SENATOR JONES:

Thank you, Mr. President. I rise in opposition to the resolution. Not because we don't want an investigation, because I don't think one is warranted. However, even the Mayor of the City of Chicago said, I welcome it. But as my colleague spoke to this issue, when it appeared before the Audit Commission -- all of a sudden dumped on the -- on the Membership, and it was a -- it's a bipartisan commission -- the Democratic Members appointed to that commission voted for it. But I cannot see how you talk about wanting good government; wanting an investigation; concerned about corruption. Who are you trying to protect? Who are you trying to protect when you don't want included in this resolution the bipartisan support for a thorough investigation that not only includes O'Hare Airport, but let's include the Renaissance Hotel in Springfield. Let's include the motel. Have you been told by the cronies who operate it that -- don't include them? If you wanted to include that, you would have bipartisan. There's nothing to hide. What are you trying to hide, and why are you making this resolution so partisan? The Audit Commission isn't partisan. Members voted on that Audit Commission request for an audit on a bipartisan basis. But on a partisan side, you are trying to protect the cronies and the wheel-and-deal to give those individuals thirty million dollars of taxpayers' dollars. You should be ashamed of yourselves. You should be ashamed. But you want to pick on this because you don't like what happened as

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relate to O'Hare Airport. You want to take O'Hare Airport. You said it time and time again. It's wrong. It's punitive, and there is no reason for the investigation, but you have the votes. You got thirty votes, but you're also -- your thirty-two votes -- or, thirty-three votes on that side of the aisle refuse -- refuse to support a resolution calling for an audit as relate to the big hotel in Springfield. Who are you trying to protect and what are you trying to hide? I know a former treasurer, Cosentino, and former Governor Jim Thompson was involved, but they didn't give the money away. It was the current administration that gave the money away, and here you're trying to duck and hide. It should be included, Senator Philip, if you were genuine, if you were sincere about fairness. But I know who runs the hotel. We all know who runs it. So why are you trying to protect them. Is it jobs? Is it patronage? Is it contributions? I don't know what you're trying to protect, but let's be fair.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Petka.

SENATOR PETKA:

Mr. President, I move the previous question.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka moves the previous question. There are two additional speakers. Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I know that I, along with most of us on this side of the aisle, are for openness in government, are for making sure that whatever entity of government runs well. And that's why I stand in support of this, but I do want to point out, at least for me, two things here. Number one, with respect to all of you who want to -- and Senator Clayborne, want to inspect the hotel deal as it's called, I believe it's moot at this point in time until we

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hear back from Attorney General Jim Ryan on that particular issue. And concerning the DuPage Airport, that is under federal investigation and it is under investigation. So I rise in support of this particular resolution of Senator Philip, and those other two types of issues, that you've tried to inject here that don't belong here, are moot.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I just wanted to say one thing, that there is a smoke screen, the smoke screen is the device that's attempting to put on those two amendments that if they, in fact, were sincerely originated would have submitted on their own. So why are you trying to do it on this bill <sic>? All I'm trying to tell you is, there's only one vote. It's on this resolution, and let's get about the business of doing it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Clayborne, state your point, sir.

SENATOR CLAYBORNE:

Thank you, Mr. President. As Senator Dillard pointed out -- and I believe Senator Dillard was in Appropriations Committee meeting. Attorney General Ryan indicated that he had not participated with this transaction. Treasurer Topinka came back and said he had participated in this transaction. Her -- her general council went on to say that he was made aware and he was consulted throughout this entire process. Now, if he was consulted throughout this entire process, how can he be independent? How can he come back now and say, "I didn't know anything about it?"

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Clayborne, you have made your point. Thank you, sir.

PRESIDING OFFICER: (SENATOR MAITLAND)



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Senator Philip, to close.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'd like to make two points, and it has never been my attitude, or the attitude or position of the Citizens Against O'Hare Field, to ever take over or run the Chicago O'Hare Field, ever. All they want, and all I want, is some input on air pollution, noise pollution and expansion. That's all. Now, in regards to Senator Osborn <sic>. Why don't you introduce your own resolution like everybody else does around here. Let it go to committee and see what happens. Clayborne, excuse me. Every Senator is entitled to introduce a resolution. Go ahead and do it. You didn't even talk to me about your amendment, or your idea. You -- at least when you're going to amend somebody's resolution or bill, you normally give them the courtesy of talking to them about it. But you didn't do that. So, I would ask for everybody's support on Senate Joint Resolution 47.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Philip has moved the adoption of Senate Joint Resolution 47. 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 32 Ayes, 9 Nays, 18 Members voting Present. Senate Joint Resolution is adopted. Resolutions.

SECRETARY HARRY:

Senate Resolutions 73 and 74, both offered by Senator Demuzio. They're both death -- death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Consent Calendar. Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Mr. President. Senator Hawkinson has filed a motion with

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respect to House Bill 1850.

PRESIDING OFFICER: (SENATOR MAITLAND)

The Chair requests that these motions appear on the Calendar, Mr. Secretary. Senator Madigan, for what purpose do you arise, sir?

SENATOR MADIGAN:

Purpose of an announcement, Mr. President. That the Senate Insurance, Pensions and Licensed and Activities will meet tomorrow morning at 9:30 a.m. to consider three Floor amendments to House Bill 2108 and a Floor amendment on -- Bill 32, in Room 400 at 9:30. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Senator Demuzio, for what purpose do you rise, sir?

SENATOR DEMUZIO:

You went to the Order of Motions and we want to stay on the Order of Motions. We have motions filed. I heard you say we're going to go to the Order of Motions; we went there. What about our motions?

PRESIDING OFFICER: (SENATOR MAITLAND)

Well, no one...

SENATOR DEMUZIO:

You went to that order of business.

PRESIDING OFFICER: (SENATOR MAITLAND)

There was -- we went to that order of business and we passed over that order of business, and no lights were on, Senator. We are not...

SENATOR DEMUZIO:

No lights were on? You didn't even ask.

PRESIDING OFFICER: (SENATOR MAITLAND)

We are not on the Order...

SENATOR DEMUZIO:

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You never asked leave of the Body to go to the Order of...

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR KLEMM:

Thank you, Mr. President. I just want to make an announcement that the Committee on Local Government and Elections will meet at 10:30 tomorrow morning in Room A-1 for a few amendments. It'll move very quickly, so please, everybody be there. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Woodyard moves the Senate stand adjourned until 11 a.m. Friday, May 19th. Senate is adjourned.

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6/8/98

On 6/5/98 a possible error on 5/18/95 transcript, page 217, from the 89<sup>th</sup> General Assembly, was brought to Sheila Ryan's attention by the Secretary of the Senate Jim Harry. Sheila pulled Tape No. 5, 5/18/95, from the State Archives. The word "know" was left out of attached page 217 where it says "We don't where". Sheila informed Jane Rishel at the State Library of the corrected page and that the microfiche would need to be corrected and redistributed. A copy of the corrected page was sent to her on 6/8/98. Sheila also called LIS to speak to Janice about the microfiche being redone. Janice was not in that day and Sheila informed Jane Rishel of this fact. Jane Rishel told her that she would speak to Janice on 6/8/98. I spoke to Arlene Halteman at the Secretary of State Index Dept. on 6/8/98. She informed me that the 89<sup>th</sup> General Assembly transcripts had already been sent to State Archives. A replacement page was stamped "Corrected Copy" and taken to State Archives to replace in the original transcript. A replacement page was also put in our office file. I spoke to Janice at LIS on 6/8/98 to let her know that Jane Rishel will be contacting her.

FYI: 5/18/95, page 217, of the 89<sup>th</sup> General Assembly is in the debate of SJR45.

*Molly Jackson*  
6/8/98

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several - I do remember when the tollways were built, the media hype at the time. Chairman Bonniwell - Donald Bonniwell - the first <sic> Chairman of the Illinois Toll Highway Authority who indicated to the people of western suburban Cook and eastern DuPage this road will be a freeway in twenty years. That was the commitment of the State of Illinois. That commitment had been carried forward till quite recently, and now these particular roads that were paid off fourteen years from construction were not paid off, because now everybody's using those incomes to pay for these roads that do not have enough traffic to warrant actually being built or to pay for themselves. So I think the first pledge to the people of Illinois is being broken and that is that the toll roads would become freeways, once the bonds were paid off. More importantly, this road will never be built. Based on the debate before this General Assembly, in this Senate on this day, bond counsel could never give an opinion that any buyer of bonds would ever accept, and bond counsel would jeopardize their entire insurance ability because any bond buyer would come in later, if the bond didn't perform in some miraculous way, and say, "Wait a minute. How did you give an opinion when the sponsor of the legislation said, 'We don't <sup>know</sup> where the road's going to be, but we're approving it. We don't know how much it's going to be, but we're going to approve it.'" There are steps that have to be taken before we take action. This has destroyed the ability, at this time, for this road to be built.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR CRONIN:

We have -- we've had a pretty thorough debate on this. I would just like to respond to one of my colleagues. I would respectfully disagree that -- that this guarantees that this will not be built. And if he believes that he's right, then you

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