

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

102nd Legislative Day

May 7, 1998

PRESIDENT PHILIP:

The regular Session of the 90th General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? Our prayer today will be given by the Reverend Jeff Nelsen, Cherry Hills Baptist Church, Springfield, Illinois. Reverend Nelsen.

THE REVEREND JEFF NELSEN:

(Prayer by the Reverend Jeff Nelsen)

PRESIDENT PHILIP:

Will you please remain standing for the Pledge of Allegiance?
Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal.

SECRETARY HARRY:

Senate Journals of Monday, May 4th, and Tuesday, May 5th, 1998.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, I move that the Journals -- I move that reading and approval of the Journal of Wednesday, May 6th in the year -- I'm sorry. Mr. President, I move that the Journals just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT PHILIP:

Senator Geo-Karis moves the approval of the Journal just read. There being no objection, so ordered. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, I move that reading and approval of the Journal of Wednesday, May 6th, in the year 1998, be postponed, pending

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arrival of the printed Journal.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

Senator Butler, Chair of the Committee on Local Government and Elections, reports House Bills 2375, 2553, 2607, 2869, 2910 and 3139 Do Pass; House Bills 644, 2424 and 2827 Do Pass, as Amended.

Senator Syverson, Chair of the Committee on Public Health and Welfare, reports House Bills 2581, 2758 and 3435 Do Pass; House Bills 705, 2583, 3286, 3431, 3492 Do Pass, as Amended.

Senator Madigan, Chair of the Committee on Insurance and Pensions, reports House Bills 2860, 3427, 3514, 3515, 3516, 3813 and 3814 Do Pass; and House Bills 1552 and 3464 Do Pass, as Amended.

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned: Re-referred from the Education Committee to the Rules Committee - Senate Amendment 2 to House Bill 2560; referred to the Committee on Executive - the Motion to Concur with House Amendment 1 to Senate Bill 1292.

PRESIDENT PHILIP:

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 58.

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Adopted by the House, May 6th, 1998. It's substantive.

Message from the House by Mr. Rossi, 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 1246, together with House Amendment No. 1.

We have a like Message on Senate Bill 1306, with House Amendment No. 1.

Both passed the House, as amended, May the 6th, 1998.

PRESIDENT PHILIP:

Senator Walsh, for what purpose do you rise?

SENATOR L. WALSH:

Point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR L. WALSH:

Mr. President and Ladies and Gentlemen of the Senate, it's my distinct honor to have friends of mine from the district. A gentleman who has served with me for twenty-six years in township government, Paul Buss, our Township Highway Commissioner, and his wife, Annette. And the young lady that looks like my daughter that's with me today is my wife, Irene.

PRESIDENT PHILIP:

Well, congratulations. Nice to have you here, Road Commissioner. On today's Calendar, on page 5, in the Order of House Bills 2nd Reading. House Bill 646. Senator Maitland. Senator Maitland. Take it out of the record. House Bill -- 884. Senator Radogno. Take it out of the record, Mr. Secretary. House Bill -- 1268. Senator Shaw. Senator Shaw, 1268? Take it out of the record. House Bill 1318. Senator Geo-Karis. Read the bill, Mr. Secretary.

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SECRETARY HARRY:

House Bill 1318.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on State Government Operations adopted one amendment.

PRESIDENT PHILIP:

Are there any other Floor amendments?

SECRETARY HARRY:

No further amendments approved, or reported.

PRESIDENT PHILIP:

3rd Reading. House Bill 1612. Senator Parker. Take it out of the record, Mr. Secretary. House Bill 2091. Senator Rauschenberger. Senator Rauschenberger. Take it out of the record. House Bill 2295. Senator Maitland. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2295.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. House Bill 2363. Senator Peterson. Senator Peterson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2363.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. House Bill 2400. Senator Dudycz. Take it out of the record, Mr. Secretary. House Bill 2430. Senator O'Daniel. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2430.

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(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Environment and Energy adopted one amendment.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. House Bill 2446. Senator Maitland. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2446.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. House Bill 2466. Senator Walsh. Senator Walsh. Take it out of the record. House Bill 2474. Senator O'Malley. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2474.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. House Bill 2560. Senator Fawell. Take it out of the record, Mr. Secretary. House Bill 2589. Senator

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Luechtefeld. Take it out of the record. Senate {sic} Bill 2630.
Senator Maitland. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2630.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. House Bill 2643. Senator Sieben. Senator Sieben. Take it out of the record, Mr. Secretary. House Bill 2652. Senator Mahar. Senator Mahar. Take it out of the record, Mr. Secretary. House Bill 2668. Senator Dillard. Senator Dillard. Take it out of the record, Mr. Secretary. House Bill 2671. Senator Peterson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2671.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted one amendment.

PRESIDENT PHILIP:

Have there been any other Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. House Bill 2696. Senator Molaro. Senator Molaro. Take it out of the record. House Bill 2700. ...Dillard. House Bill 2700. Senator Dillard. Take it out of the record. House Bill 2802. Senator Clayborne. Senator Clayborne. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2802.

(Secretary reads title of bill)

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2nd Reading of the bill. The Committee on Education adopted one amendment.

PRESIDENT PHILIP:

Have there been any other Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. House Bill 2818. Senator Walsh. Senator Walsh. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2818.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

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

SENATOR SHADID:

Point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR SHADID:

I don't know if you folks are all aware, this is a great day today. We have a great person today who is celebrating his birthday, and just because he hasn't got any cake or ice cream down there, it doesn't mean he's cheap.

PRESIDENT PHILIP:

Oh, yeah?

SENATOR SHADID:

But there's a strong rumor that he's going to invite us all to his home tonight for a barbecue cookout. Thank you very much.

PRESIDENT PHILIP:

Congratulations. House Bill 2837. Senator Butler. I'm

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sorry, Senator Shadid.

SENATOR SHADID:

Mr. President, I got so excited about this that I forgot to tell you it was Senator Demuzio's birthday, our great leader over here. Senator Demuzio, happy birthday. Thank you.

PRESIDENT PHILIP:

House Bill 2837. Senator Butler. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2837.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. House Bill 2844. Senator Parker. Take it out of the record. House Bill 2864. Senator Rauschenberger. Senator Rauschenberger. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2864.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. House Bill 2909. Senator Garcia. Senator Garcia? Take it out of the record, Mr. Secretary. House Bill 2950. Senator Sieben. Take it out of the record, Mr. Secretary. House Bill 3025. Senator Berman. Senator Berman. Take it out of the record, Mr. Secretary. House Bill 3026. Senator Walsh. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3026.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted one amendment.

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PRESIDENT PHILIP:

Have there been any other Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. House Bill 3028. Senator Cronin. Take it out of the record, Mr. Secretary. Now, the top of page 8. House Bill 3030. Senator Karpziel. Senator Karpziel. Take it out of the record, Mr. Secretary. House Bill 3063. Senator Hawkinson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3063.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. House Bill 3081. Senator Syverson. Senator Syverson. Take it out of the record, Mr. Secretary. House Bill 3081. Oh, I'm sorry. Senator Syverson, you were out of your seat. You're hard to locate. All right. Let's got back to House Bill 3081. Senator Syverson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3081.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. House Bill 3081 {sic} (3180). Senator Walsh. Take it out of the record. House Bill 3202. Senator Watson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3202.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. House Bill 3249. Senator Maitland. Senator Maitland. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3249.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Executive adopted two amendments.

PRESIDENT PHILIP:

Have there been any other Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. House Bill 3254. Senator Tom Walsh. Take it out of the record, Mr. Secretary. House Bill 3294. Senator Dillard. Senator Dillard. Take it out of the record, Mr. Secretary. House Bill 3321. Senator Walsh. Take it out of the record, Mr. Secretary. House Bill 3441 {sic} (3341). Senator Dudycz. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3341.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. House Bill 3363. Senator Madigan. Take it out of the record. House Bill 3383. Senator Burzynski. Take it out of the record, Mr. Secretary. House Bill 3406. Senator Walsh. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3406.

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(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. House Bill 3415. Senator Walsh. Take it out of the record. Top of page 9. House Bill 3461. Senator Mahar. Senator Mahar. Take it out of the record, Mr. Secretary. House Bill 3494. Senator Molaro. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3494.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. House Bill 3556. Senator Dudycz. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3556.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. House Bill 3575. Senator Obama. Senator Obama. Take it out of the record, Mr. Secretary. House Bill 3579. Senator del Valle. Senator del Valle. Take it out of the record, Mr. -- oh, excuse me. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3579.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Executive adopted two amendments.

PRESIDENT PHILIP:

Have there been any other Floor amendments approved for consideration?

SECRETARY HARRY:

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No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. House Bill 3612. Senator Maitland. Senator -- read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3612.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. House Bill 3626. Senator Watson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3626.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. House Bill 3778. Senator Cronin. Senator Cronin. Take it out of the record, Mr. Secretary. House Bill 3811. Senator Radogno. House Bill 3811. Senator Radogno. Take it out of the record, Mr. Secretary. House Bill 3844. Senator Dudycz. Read the bill.

SECRETARY HARRY:

House Bill 3844.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. With leave of the Body, I'd like to go back and pick up three House bills on 3rd Reading. Is leave granted? Leave is granted. On 2nd Reading. Excuse me. House Bill 646. Senator Maitland. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 646.

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(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Executive adopted one amendment.

PRESIDENT PHILIP:

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. House Bill 2696. Senator Molaro. Read the bill, Mr. Secretary, for the second time.

SECRETARY HARRY:

House Bill 2696.

(Secretary reads title of bill)

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

PRESIDENT PHILIP:

3rd Reading. Senate {sic} Bill 3575. Senator Obama. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3575.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted two amendments.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

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

SENATOR KARPIEL:

Well, first of all, Mr. President, I would like the record to

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reflect the absence of Senator Radogno. She is home on personal business. And also to...

PRESIDENT PHILIP:

The record will so indicate.

SENATOR KARPIEL:

Also to call for a Republican Caucus in Senator Pate Philip's Office -- I mean, a caucus immediately on adjournment.

PRESIDENT PHILIP:

Well... Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Mr. President, I'd like the record to reflect that Senator Rea is absent today because of a death in the family.

PRESIDENT PHILIP:

The record will so indicate. I'm assuming it's going to be a short Republican Caucus, so we will come back in Session at 10:30. The Senate -- the Senate stands at ease. Yeah. Just so we clarify what's going on here. We're coming back at 10:30. We'll do 3rd Readings. So we stand at ease until 10:30. Senator Watson, for what purpose do you rise?

SENATOR WATSON:

Yes. Thank you. And I appreciate your acknowledgment. I'd like to take this opportunity to welcome an individual to the Senate Floor here. Dave Luechtefeld's son, Keith, is with him here today. And Keith, back here, a graduate of Illinois Wesleyan University in Bloomington, and up here for the day visiting us.

PRESIDENT PHILIP:

Keith, very nice to have you here today. Senator Maitland, for what purpose do you rise?

SENATOR MAITLAND:

Thank you very much, Mr. President. Members of the Senate, I'm happy to introduce a special guest on the Floor this morning. He happens to be the good-looking brother and the intelligent

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brother of my seatmate Steve Rauschenberger, John Rauschenberger, who was active in my very first campaign. John Rauschenberger.

PRESIDENT PHILIP:

John, please rise and be recognized by the Senate.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will the Members within earshot come to the Floor? We will be going to the Order of House Bills 3rd Reading in a few minutes. Will Senators Philip, Cullerton, Sieben, Donahue, Hawkinson, Cronin come to the Floor? We will be going to the Order of House Bills 3rd Reading in several moments. Madam Secretary, Communications from the Minority Leader.

ACTING SECRETARY HAWKER:

Dear Mr. Secretary - Pursuant to the Senate Rule 3-5(c) of the Illinois State Senate of the 90th General Assembly, please be advised that Senator John Cullerton will replace Senator Arthur Berman on the Senate Rules Committee.

Filed by Senator Emil Jones, Senate Minority Leader.

PRESIDING OFFICER: (SENATOR DUDYCZ)

If you turn to the middle of page 2 of your regular Calendars, in the Order of House Bills 3rd Reading. House Bills 3rd Reading. House Bill -- 349. Senator Philip. Senator Philip. On the -- on the bottom of page 2, in the Order of House Bills 3rd Reading, is House Bill 1151. Senator Cullerton. Senator Cullerton. On the top of page 3, in the Order of House Bills 3rd Reading, is House Bill 1217. Senator Sieben. The Chair will remind the Members

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that we will be going through the Calendar only one time this morning. House Bills 3rd Reading. House Bill 1368. Senator Donahue. Out of the -- no. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1368.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. In 1993 you all are aware of the fact that we had the flood, the Great Flood of 1993. In that happening, there was a levee break on the Missouri side of the Mississippi, and it -- gentleman was just convicted of causing a catastrophe. When we started checking into this, we realized that we didn't have a situation in Illinois where this could -- if a similar situation happened in Illinois, we would have no way to charge someone, except for causing damage to property, which, as we understand it, would be like three to seven years, and this gentleman received life, in Missouri. So this adds to the Statutes in Illinois of -- causing a catastrophe, and I would ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1368 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And House Bill 1368, having received the required constitutional majority, is declared passed. House Bill 1422. Senator Hawkinson. House Bill 1640. Senator Cronin. Senator Cronin. House Bill 1685. Senator Cronin. Senator Cronin? House Bill

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2257. Senator Geo-Karis. ...Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 2257.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, my computer isn't worth the powder to blow it. So, this bill amends the Criminal Code's provision regarding periods of limitations for criminal prosecutions, and I ask for a favorable vote. It's already been very well-discussed in Judiciary...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Clayborne. If there's no further discussion, the question is, shall House Bill 2257 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And House Bill 2257, having received the required constitutional majority, is declared passed. Senator Clayborne, what purpose do you rise?

SENATOR CLAYBORNE:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR CLAYBORNE:

Yes. Behind me, in the Senate Democratic gallery, I have Superintendent of Schools of Belleville, Leo Hefner. I would hope that everybody would stand and -- have him to stand and be

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recognized.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guest in the gallery please rise and be recognized? Welcome to Springfield. In the middle of page 3, in the Order of House Bills 3rd Reading, is House Bill 2306. Senator Mahar. Senator Mahar. Senate {sic} Bill 2367. Senator Peterson. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 2367.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President and Members of the Senate. House Bill 2367 authorizes a guardian of the person of a minor to designate a standby guardian of the minor or appoint a short-term guardian of the minor if there's no surviving parent of the minor. It provides for the designation of a standby or short -- short-term guardian of the person of a disabled adult. It also includes changes that were recommend by Equip For Equity {sic} (Equality), and these changes require the consultation with the disabled person as to his preference as to the standby or short-term guardian. There's several items that were added by the Bar Association that have to do with probate, and this bill is supported by the Chicago Bar Association, the Guardianship and Advocacy Commission and Equip for Equity. I ask for your support of House Bill 2367.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 2367 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all

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voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And House Bill 2367, having received the required constitutional majority, is declared passed. House Bill 2370. Senator Parker. House Bill 2391. Senator Donahue. House Bill 2411. Senator Mahar. Senator Mahar. House Bill 2493. Senator Dillard. House Bill 2503. Senator Karpiel. House Bill 2565. Senator Donahue. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House -- House Bill 2565.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Mr. President. Could I have a point of personal -- could I have a question of the Chair, please? Is there any way we could go back to 2391 as well? I'm sorry. I was...

PRESIDING OFFICER: (SENATOR DUDYCZ)

With leave of the Body, we will return to the Order of House Bill 2391 at the conclusion of House Bill 2565.

SENATOR DONAHUE:

That's fine. All right. Senate {sic} Bill 2565 deals with allowing the Board of Higher Education to establish a four-year time degree incentive grant. There's no appropriation that accompanies this, but it is trying to encourage the State universities or universities all across Illinois to try to have students graduate in a four-year period. It's a very important bill for parents and for students and I think important for Illinois. To give you one statistic that I think sort of clarifies a little bit what's happening out there, is that our MAP

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grants that are -- that are awarded by our -- by the State, about fourteen plus million dollars goes to fifth-year students. And I think this is just trying to send a message to our university system that: let's try to work together to get students to graduate in a four-year period. That's what the bill does. I ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 2565 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, 1 voting Present. And House Bill 2565, having received the required constitutional majority, is declared passed. With leave of the Body, we'll return to the Order of House Bills 3rd Reading, in the middle of page 3, House Bill 2391. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 2391.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, and I certainly appreciate your consideration. House Bill 2391 simply exempts people involved with detecting lineage and genealogy, that they don't have to have a detective's -- detective's license with the Department of Professional Regulations. I represent the City of Nauvoo, which is very close, of course, to the Mormon Church, that does a lot of work with genealogy, and I don't think they need to have a detective's license. I would ask for your favorable support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Is there any discussion? If not, the question is, shall House Bill 2391 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And House Bill 2391, having received the required constitutional majority, is declared passed. The top of page 4, in the Order of House Bills 3rd Reading, is House Bill 2614. Senator Demuzio. Senator Demuzio. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 2614.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President. This bill is identical to the provisions that we had in Senate Bill 1561, Senator Cronin's bill, what deals with special education and the cooperatives governing -- the governing board of -- of educational co-ops, special ed. It is noncontroversial. No opposition. I would ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 2614 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And House Bill 2614, having received the required constitutional majority, is declared passed. House Bill 2729. Senator Weaver. House Bill 2887. Senator Karpziel. House Bill 2899. Senator Dillard. House Bill 3048. Senator Shaw. Madam Secretary, read

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the bill.

ACTING SECRETARY HAWKER:

House Bill 3048.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. This is a LRB clean-up bill, consolidating certain Acts in the Statute into one compiled Act.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 3048 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. And House Bill 3048, having received the required constitutional majority, is declared passed. House Bill 3129. Senator Luechtefeld. House Bill 3162. Senator Dillard. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 3162.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill was proposed by Attorney General Jim Ryan and it's supported by the City of Chicago and the Illinois State Police, and it allows law enforcement officers in Illinois to enforce orders of protection from other states even if it's not

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possible to determine if that order is valid. The proponents of this bill believe that police should not take the chance and they should enforce an order of protection from another state to protect our citizens. These are often orders that are in domestic violence situations, and this bill just says that our law enforcement officers can take at good faith the orders of protection from other states to protect our citizens. I know of no opposition, but I'd be happy to answer any questions. I'd appreciate a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If -- if not, the question is, shall House Bill 3162 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 3162, having received the required constitutional majority, is declared passed. Senator Luechtefeld, for what purpose do you arise, sir?

SENATOR LUECHTEFELD:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Please state your point.

SENATOR LUECHTEFELD:

With me here at my seat is the Superintendent of Schools at Steeleville High School, Mr. Don Badgley. I'd like the Senate to recognize him, if you would, please. And welcome him.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guest in...

SENATOR LUECHTEFELD:

...please stand.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guest please rise and be recognized? Welcome to

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Springfield. Middle of page 4 of your regular Calendar, in the Order of House Bills 3rd Reading, is House Bill 3170. Senator Bowles. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 3170.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President, Members of the Senate. House Bill 3170 amends the Controlled Substances Act and the Unified Code of Corrections in reference to methamphetamines. It creates much, much stiffer penalties for the unlawful manufacture, possession, delivery or possession with the intent to deliver methamphetamines. This particular bill is extremely important to the State of Illinois in the Chicago area, but also in our area. Senator Donahue's district, Senator Clayborne's district, Senator Luechtefeld's district and my district border the River, and one of the largest methamphetamine manufacturing labs in the world is the State of Missouri, and they have created mobile units. They have set up laboratories in -- in vans, come across the river, dispense their wares and go back into Missouri. The -- the penalties have been drastically increased, as well as the monetary fines that would be imposable under this bill under certain circumstances. I'd be happy to answer any questions, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any -- is there any discussion? If not, the question is, shall House Bill 3170 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take

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the record. On that question, there are 57 Ayes, no Nays, none voting Present. And House Bill 3170, having received the required constitutional majority, is declared passed. House Bill 3256. Senator Mahar. Senator Mahar. House Bill 3257. Senator Butler. House Bill 3279. Senator Karpziel. Senator Karpziel. House Bill 3280. Senator Radogno. House Bill 3292. Senator Fawell. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 3292.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is just a clean-up bill for IDOT. It merely says that -- that when they issue a overweight or overwidth permit, that it's for one piece of machinery that can't be broken down, not two. And it also says that there can be a return permit issued at the same time that an overweight permit is issued. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 3292 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And House Bill 3292, having received the required constitutional majority, is declared passed. On bottom of page 4 of your regular Calendars, in the Order of House Bills 3rd Reading, is House Bill 3374. Senator Parker. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 3374.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President and Members of the Senate. House Bill 3374 creates a mammogram license plate. The plate would contain the message "Mammograms Save Lives". All money put into the Cancer Fund goes into the Department of Public Health for grants to nonprofit organizations and local health departments for provision and promotion of breast cancer screening and diagnostic services. I would answer any questions and ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 3374 pass. All those in favor will vote Aye. 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 56 Ayes, no Nays, and 1 voting Present. And House Bill 3374, having received the required constitutional majority, is declared passed. The top of page 5 of your regular Calendars, in the Order of House Bills 3rd Reading, is House Bill 3463. Senator Lauzen. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 3463.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. Chairman. The Illinois Franchise Disclosure Act was passed in 1974, twenty-five years ago, and prior to the

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enactment of federal disclosure requirements. House Bill 3463 simplifies and reforms the Illinois franchise registration process by removing unnecessary paperwork while preserving remedies available if there is fraud and other disputes. It brings Illinois into uniformity with thirty-eight other states and makes franchising opportunities more available to Illinois citizens, both as franchisees and customers. House Bill 3463 has the support of the Illinois Chamber, Retail Merchants Association, Petroleum Marketers, Restaurant Association, NFIB and International Franchise Association. And I distributed approximately thirty letters of support from franchisees and franchisors from across the State. I'd like to express my appreciation to Senators Obama, Jacobs and Tom Walsh for their bipartisan sponsorship of the legislation. This passed the Judiciary Committee 9 to 1.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Yes. Would the Senator yield for some...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Jacobs.

SENATOR JACOBS:

For legislative intent, Senator: Why is this legislation needed in Illinois?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

House Bill 3463 is intended to reduce red tape for companies trying to do business in Illinois. Of the twelve states that still require franchisors to register with the State, the registration and review process in Illinois is widely considered to be the most onerous and time-consuming. This process is no

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longer needed because the FTC promulgation of its Rules on Franchising in 1979. This bill makes Illinois consistent with the federal rule and the thirty-eight other states that have decided to follow FTC format.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

Senator, how will this bill affect business -- businesses franchising in Illinois for the first time?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

As they already do, first-time franchisors will be required to file a Uniform Franchise Offering Circular with the Attorney General's Office. The AG's Office will have twenty-one days to determine whether the UFOC is materially deficient as defined by the UFOC Guidelines published by the North American Securities Administration {sic} (Administrators) Association. The AG's Office will no longer be able to go beyond the NASSAA {sic} (NASAA) Guidelines. If the UFOC is missing material information that would directly impact a potential franchisee's decision to invest in the system, the AG's Office can prevent the franchisor from selling franchises in the State. The review standards are described in General Instruction 260 of the NASAA Guidelines, which calls for a summary rejection of incomplete filings. The purpose of House Bill 3463 is to eliminate the excessive delays and inconsistent and unreasonable reviews that exist today -- any review should be limited to gross deficiencies in the UFOC.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

How would renewals be affected?

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Thank you. As with the current law, House Bill 3463 requires franchisors to file a copy of their UFOC with the AG's Office once a year. Like changes that have been made in Michigan and Wisconsin, this would be a filing requirement without any -- without any required review process. However, if a company fails to comply with the requirements of this bill or the UFOC Guidelines published by the NASAA, the State maintains the right to issue a cease and desist order. In addition, House Bill 3463 in no way changes the tools available to the State or private parties to take civil or criminal actions against fraudulent operators.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

Senator, what if a material change occurs in the UFOC in the interim?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Consistent with the FTC Rule, amendments to the UFOC will need to be filed with the State within ninety days of the occurrence of the event that causes the material change. Like renewals, amendments would be treated as a mere filing requirement. However, the AG's Office would continue to be able to use all previous mentioned enforcement tools to prevent companies with material-deficient UFOCs from conducting business in the State.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

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How would franchisors currently doing business in Illinois be treated in the transition?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Since everyone currently doing business in Illinois has already had their UFOCs thoroughly examined at least once, filings made by these franchisors should continue to be treated as renewals/amendments after this bill takes effect.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

Just one final question. Would the Attorney General's Office continue to review advertising?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I think this bill really is a horrible bill, because it affects the rights of the small franchisees. The small franchisees are at the mercy of this bill if it is passed. I might tell you that I have a quotation here from one of my constituents. Quote, "For over twenty years the Franchise Disclosure Act has kept unscrupulous sellers of franchisees out of the State, and that's exactly where we want to keep them." End of quote. I might also tell you that the information that the present Franchise Act requires would be eliminated to a great extent, and I -- I might remind you also the State Bar Association is opposed to the bill and rightfully so.

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And I talked with the Attorney General's Office, to the Attorney General himself, and they're -- they're neutral on the bill. They didn't come out in favor of the bill. They're neutral on it. And there was an inference that -- that they were for it, which is not so. They are neutral on the bill. The State Bar Association had made some suggestions for an amendment to the bill which would safeguard the rights of the small franchisees, the people who buy the White Hen Pantrys, the convenience stores and what have you. Those are the small businessmen, and we're going to hurt them if we pass this legislation. This bill is a travesty and injustice of the small franchisees. The big ones have plenty of money to compete, but the small ones are limited. I ask you for a No vote on this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Carroll.

SENATOR CARROLL:

Thank -- thank you, Mr. President, Members of the Senate. Question of the sponsor, if I might.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Carroll.

SENATOR CARROLL:

Having just read a little bit about it, it seems that you're saying that the AG has certain -- the Attorney General has certain powers to stop an offering of a new franchise if there are materially deficient informations in the filings. However, it doesn't apply to any existing franchisor in the State, who might likewise have given deficient information to a potential franchisee. Why are we not, you know, having the same standard whether it's a new company coming in or an existing company that's trying to rip off the franchisee?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

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SENATOR LAUZEN:

Thank you, Senator. What I can do is refer back to -- I think that the premise of your understanding at this point in your review may not be accurate, at this point. The Attorney General -- from Judiciary Committee -- several of the Members of Judiciary Committee had asked me then to follow up with the Attorney General's Office to get clarification of what their neutrality meant. In a document that comes from -- that's titled "Attorney General Fact Sheet" from their office, there are two statements that I think answer the thrust of what you're asking and -- and your concern. Because we're all concerned that people are protected within the State of Illinois. Number one, quote, "The Attorney General is losing no power to issue enforcement orders under Senate {sic} Bill 3463." And then later on in the paper, says, quote, "When compared to the Attorney General's authority to take enforcement actions under the Consumer Fraud Act, the Attorney General has more power under House Bill 3463."

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Carroll.

SENATOR CARROLL:

Thank you. Senator Lauzen, I -- I'm sorry, but that doesn't answer the question. And the question seems -- Illinois is known to have the most protective, to franchisee, law in the nation. Now, if you're saying that for a new company coming in here that's never done business in Illinois, we're empowering the Attorney General to stop them from doing business because of some fraudulent or -- or misleading or -- or insufficient information, but we're not giving the same protection for all of those who are already here -- I don't care if they can go under the Consumer Fraud Act. They can go under, you know, the speed limits Act, but it has nothing to do with the information they're required to give and the protection to the investor, the person who's putting their

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life savings into it, because it happens to be a franchise that's preexisted in Illinois that can suddenly be giving out either misinformation or insufficient information that the current franchise disclosure laws give certain powers to the Attorney General to stop them from doing. This law seems to take away that enforcement activity. Even if the Attorney General doesn't care, that's not who we're protecting.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Lauzen.

SENATOR LAUZEN:

Senator Carroll -- well, I would refer you back to the bill itself, and it -- it says that any franchisor, in making any amendment, it's within the standard -- the federal standard of the Uniform Franchise Offering Circular, and it says in the bill on page 12, lines 8 through 11 - and this -- this applies to any amendment which covers any existing franchisors in the State, which I think is the concern that you're addressing - it says, "(2) that the disclosure statement or any amendment thereto includes any false or misleading statements of a material fact or omits to state any material fact required to be stated therein or necessary to make the statement(s) therein not misleading..." It's under that description that the Attorney General could stop the franchisor from doing business in Illinois.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Carroll.

SENATOR CARROLL:

Part of the issue, though, dealt with incomplete statements where the AG has power now. And under your proposal, the AG can stop a new franchisor for incomplete statements, and -- but cannot do it for a -- if it's a new franchisor, but cannot do it if it's an existing franchisor. Why? I mean, why are we doing that?

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Lauzen.

SENATOR LAUZEN:

Again, I would have to refer back to -- you know, I -- I would love to have the legal background that you do, Senator Carroll. However, my background actually is more as a franchisee, as an accountant. I have to refer back to what the Attorney General, himself, and his staff says when it says -- addressing your question, I think, and your concern directly, not avoiding the issue that you're referring to, because your concern, I believe - if I'm wrong, correct me - is that you don't want us to any way diminish the enforcement powers that the Attorney General has. And again, in the Attorney General's statement, the Attorney General is losing no power to issue enforcement orders under this Senate bill -- or, under this House bill. And then it says, again, emphasizing that point, that we're not putting anyone at risk in this House bill, quote, "When compared to the Attorney General's authority to take enforcement actions under the Consumer Fraud Act, the Attorney General has more power under House Bill 3463."

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Carroll.

SENATOR CARROLL:

I guess, then, my concern is really this, and maybe it's an answer to which you're not aware, because it may not have been raised this way before. My concern is not the Attorney General; it's the franchisee. And since we've had the one that's protected the citizens of Illinois in investing greater than the federal, to say that they'll now go under the federal doesn't protect them. We've had better. Obviously, there's things in here that are not as good for the franchisee, as protection, than existing law, or there wouldn't be the effort to change it. This seems to be one area where they're saying that -- that while you may have

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protected it against some new company coming into Illinois, you've diminished the franchisee's rights for an existing franchisor who -- who has filed something misleading. I don't care that this is -- that the new version is better than the Consumer Protection Act, 'cause the existing law is better than this. So we're still taking away, it seems to me, protections of the franchisee, the people of Illinois who are investing in -- you know, I don't want to pick any name, but a small business where they're putting their savings into some kind of franchise and now have great protections in Illinois. And we're saying we want to take away some of those protections, and I don't see a logical reason for it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Geo-Karis, for a second time.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I apologize for speaking a second time, but I echo the concerns of Senator Carroll. We are taking away the protections from the small franchisee, and our law, present law, has been the best one in the country. Why do we want to deny the proper protection to the small franchisees? And I can tell you I've had a number of them in my -- in my district that have been -- have had some very horrible situations. I ask you for a No vote on this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR LAUZEN:

Ladies and Gentlemen, I would just say that the characterization of the franchise law -- disclosure law in Illinois as the best in the country is -- is badly misleading. It is recognized as the most cumbersome, slow in the country, and this is an attempt to correct it. I think that the important benefits of franchising to the people of Illinois come in two major areas: first of all, to the consumers, where you have

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consistent quality at low prices, and, number two, to the small business owner. I am a franchisee. For the last ten years of my life, I've sent royalty payments that are twice my mortgage payment to the franchisor, and within the last two years, have renewed my -- my contract -- my franchise contract. So I believe that I speak for the small business owner, with actual life experience in this area. It reduces the risk -- franchising reduces the risk of failing in business. Four out of five who go into business are out of business in five years, from federal statistics. You exchange royalty payments for the accumulated experience of the franchisor. You pay not to make the same mistakes that many others before you have made. Let's simplify it, make these opportunities more available to citizens in Illinois.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 3463 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 Ayes, 5 Nays, 3 voting Present. And House Bill 3463, having received the required constitutional majority, is declared passed. House Bill 3481. Senator Maitland. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 3481.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. The American Council of Education, which is the owner of the GED test that's used nationwide, increased the cost of that test last

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year. And in Illinois, we had locked in Statute the price that was charged for the taking of that test. Senator O'Daniel, last year, sponsored House joint resolution that created a task force to study how this issue of increased cost should be handled, and the recommendation from that task force did suggest, among other things, that instead of the -- instead of the fee being locked into the Statutes, that the State Board of Education be granted the authority, through the rules-making process, to set that -- the fee for that test. And that's, Mr. President, what House Bill 3481 does.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 3481 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, 1 voting Present. House Bill 3481, having received the required constitutional majority, is declared passed. House Bill 3652. Senator Dillard. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 3652.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill amends the Criminal Code by adding to the list of aggravating factors for the imposition of the death penalty the fact that the offender was under a domestic violence order of protection and the victim was the subject of that order of protection. I know of no controversy or opposition, I believe, to

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SENATE TRANSCRIPT

102nd Legislative Day

May 7, 1998

this bill. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 3652 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, 1 voting Present. And House Bill 3652, having received the required constitutional majority, is declared passed. House Bill 3710. Senator DeLeo. Senator DeLeo. House Bill 3749. Senator Watson. House Bill 3793. Senator Fitzgerald. Resolutions Consent Calendar. We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those read in today will be added to the Consent Calendar. Madam Secretary, have there been any objections filed to any resolution on the Consent Calendar?

ACTING SECRETARY HAWKER:

There have been no objections filed, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The -- the motion carries, and the resolutions are adopted. Resolutions.

ACTING SECRETARY HAWKER:

Senate Joint Resolution 66.

(Secretary reads SJR No. 66)

Filed by Senator Weaver.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Joint Resolution 66. All those in favor will say Aye. Opposed, Nay. The Ayes have it. And the rules are suspended. Now Senator Weaver has moved for the adoption of Senate Joint Resolution 66.

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All those in favor, say Aye. Opposed, Nay. The Ayes have it. And the resolution is adopted. Chair will remind the Members that notifications of next week's attendance have been corrected. We will be in Session on Tuesday at 4 p.m. There will be Session on Tuesday. All Members are expected to attend. Is there any further business to come before the Senate? If not, pursuant to the adjournment resolution, Senator Weaver moves the Senate stands adjourned until 4 o'clock p.m., Tuesday, May 12th. The Senate stands adjourned.

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