

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

48th Legislative Day

May 14, 1997

PRESIDING OFFICER: (SENATOR KARPIEL)

The regular Session of the 90th General Assembly will come to order. Will the Members please be at their desks, and will our guests in the gallery please rise? Our prayer today will be given by Pastor Thomas Radtke, Trinity Lutheran Church, Springfield, Illinois. Pastor Radtke.

PASTOR THOMAS RADTKE:

(Prayer by Pastor Thomas Radtke)

PRESIDING OFFICER: (SENATOR KARPIEL)

Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDING OFFICER: (SENATOR KARPIEL)

Sharon has asked for leave to videotape the opening. Leave is granted. Reading of the Journal, Mr. Secretary.

SECRETARY HARRY:

Senate Journals of Wednesday, May 7th; Thursday, May 8th; and Friday, May 9th, 1997.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Butler.

SENATOR BUTLER:

Madam President, I'd move that the Journals just read be approved, unless some Senator has additions or corrections to offer.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SENATOR BUTLER:

Madam President, I move that reading and approval of the Journals of May 12th and -- Monday, May 12th and Tuesday, May 13th, in the year 1997, be postponed, pending arrival of the printed Journal.

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

SECRETARY HARRY:

Senator Burzynski, Chair of the Committee on Licensed Activities, reports Senate Amendments 2 and 3 to House Bill 274 Be Adopted, Senate Amendment 1 to House Bill 522 Be Adopted, and Senate Amendment 1 to House Bill 1664 Be Adopted.

Senator Rauschenberger, Chair of the Committee on Appropriations, reports House Bills 398, 412, 455, 868, 871, 877 and 881 Do Pass, as Amended.

Senator Fawell, Chair of the Committee on Transportation, reports Senate Amendment 1 to House Bill 748 Be Adopted, Senate Amendment 3 to House Bill 884 {sic} (844), Senate Amendment 1 to House Bill 994, and Senate Amendment 1 to House Bill 1115 all Be Adopted.

And Senator Cronin, Chair of the Committee on Education, reports Senate Amendment 2 to House Bill 689, and Senate Amendment 1 to House Bill 1112 Be Adopted, and Senate Amendments 1 and 2 to House Bill 1180 Be Adopted, Senate Amendments 1 and 2 to House Bill 1526 Be Adopted, Senate Amendment 1 to House Bill 2132, and Senate Amendment 2 to House Bill 754 both Be Adopted.

PRESIDING OFFICER: (SENATOR KARPIEL)

Messages from the House. Mr. Secretary.

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 12.

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Adopted by the House, May 13th, 1997. It's substantive.

A 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 the a bill of the following title, to wit:

Senate Bill 21, 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 1 to Senate Bill 21.

We have a like Message on -- like Messages on the following bills with the following amendments: Senate Bill 101, with House Amendment 1; 103, with Amendment 1; 240, with Amendment 1; 341, with Amendment 1; 347, with Amendment 1; 408, with Amendment 1; 418, with Amendment 1; 455, with Amendment 1; 465, with Amendment 1; 469, with Amendment 1; 495, with Amendment 1; 496, with Amendment 1; 545, with Amendment 1; 689, with Amendments 1 and 2; 763, with Amendments 1, 2 and 3; 773, with Amendment 1; 794, Amendment 1; 806, Amendment 1; 859, with Amendment 1; 955, Amendment 1; 1073, Amendment 1; 1129, with Amendment 1; 1131, with Amendment 1; and 1132, with Amendment 1.

All passed the House, as amended, May 13th, 1997.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Demuzio, for what reason do you rise?

SENATOR DEMUZIO:

Hello. Thank you, Madam President. On -- on Monday, there was so many papers around my desk, I neglected to ask the -- Senator Obama was absent because of personal business, and also Senator Garcia, on Monday and Tuesday, was absent because of legislative business back in his district. I just found the notes, so I'm entering it into the record today. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

The record shall so show. On page 12 of today's Calendar is

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the Order of House Bills 2nd Reading. We'll proceed in order and we're getting late in the week, so I hope all Members will be ready to move their bills to 3rd today. Yeah, Friday - don't forget - is the deadline for bills to get out of the -- House bills to be reported out of the Senate. So I think we ought to be moving our -- our bills soon as we can. House Bill 23. Senator Parker. Out of the record. House Bill 66. We'll -- we -- with leave of the Body, we'll return to that. House Bill 70. Senator Dillard. Out of the record. House Bill 223. Senator Madigan. Out of the record. House Bill 228. I'm sorry. House Bill 223. Senator Madigan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 223.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. House Bill 228. Senator Lauzen. Out of the record. House Bill 260. Senator Maitland. Out of the record. House Bill 274. Senator Thomas Walsh. Out of the record. House Bill 282. Senator Sieben. Out of the record. House Bill 310. Senator Lauzen. Out of the record. House Bill 449. Senator Cronin. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 449.

(Secretary reads title of bill)

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

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no committee amendments, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. Senate Bill 483. Senator Luechtefeld. I mean, House Bill 483. Senator Luechtefeld? Out of the record. House Bill 522. Senator Sieben. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 522.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SECRETARY HARRY:

Amendment No. 1, offered by Senator Sieben.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Sieben, to explain your amendment.

SENATOR SIEBEN:

Thank you, Madam President. Yes, Floor Amendment No. 1 was approved in committee yesterday and, simply, this amendment is in response to the Department of Professional Regulation's concerns for mandatory inspection requirements. It's been worked out between the proponents of the bill and the representatives for the Department of Professional Regulation, and -- and I'd move for its adoption.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator -- is there any discussion? If not, Senator Sieben moves the adoption of Amendment No. 1 to Senate Bill -- to House

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Bill 522. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments?

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. House Bill 558. Senator Bomke. Out of the record. House Bill 574. Senator Petka. Out of the record. House Bill 586. Senator Madigan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 586.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. House Bill 593. Senator Madigan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 593.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance and Pensions adopted one amendment.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. House Bill 674. Senator Sieben. Senator Sieben? Out of the record. House Bill 768. Senator Dudycz. Out of the record. House Bill 898. Senator Maitland. Out -- out of the record. House Bill 918. Senator Maitland. Out of the record. House Bill 922. Senator Thomas Walsh. Out of the record. House Bill 995. Senator Hawkinson. Out of the record.

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House Bill 1029. Senator Link. Senator Link? Out of the record.
House Bill 1101. Senator Hawkinson. Out of the record. House
Bill 1141. Senator Bowles. Out of the record. House Bill 1151.
Senator Cullerton. Out of the record. House Bill 1230. Senator
Luechtefeld. Out of the record. House Bill 1345. Senator
Madigan. Senator Madigan, on House Bill 1345. Read the bill, Mr.
Secretary.

SECRETARY HARRY:

House Bill 1345.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. House Bill 1373. Senator Sieben. Out of the
record. House Bill 1513. Senator Clayborne. Out of the record.
House Bill 1526. Senator Watson. Out of the record. Senate
{sic} Bill 1589. Senator Farley. Out of the record. House Bill
1612. Senator Parker. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1612.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. House Bill 1664. Senator Sieben. Read the
bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1664.

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(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SECRETARY HARRY:

Amendment No. 1, offered by Senator Sieben.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Sieben, to explain your amendment.

SENATOR SIEBEN:

Thank you, Madam President. Floor Amendment No. 1 is agreed language between the Medical Society and the clinical psychologists to provide a carve-out for hypnotherapists that practice without a license and are now not in violation of the Clinical Psychologists Licensing Act, and I'd move for its adoption.

PRESIDING OFFICER: (SENATOR KARPIEL)

Is there any discussion? If not, Senator Sieben moves the adoption of Amendment No. 1 to House Bill 1664. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further amendments?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. House Bill 1881. Senator Madigan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1881.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. With leave of the Body, we'll return to the top

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of page 14. House Bill 1230. Senator Luechtefeld. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1230.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. The Chair will now recognize any Member who would like to return to their bill on 2nd Reading. If so, just put on your light and we will go to them in order. Senator Fawell. Could we have it a little quiet, please, in the Chamber? What number, Senator Fawell?

SENATOR FAWELL:

748.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Fawell, we don't show that on 2nd Reading. All right. Senator Parker. On page 12 is House Bill 23. Senator Parker. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 23.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. The intent of the Chair is to go to 3rd Readings, and so on page 2 of today's Calendar is House Bills 3rd Reading. Middle of page 2, House Bills 3rd Reading, is House Bill 18. Senator Maitland. Out of the record. House Bill 27. Senator Fawell. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 27.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is a bill that passed -- identical bill passed the Senate 50 to 3. Basically what it does, it puts us in the same -- in the -- where we are in the same position as Indiana and Michigan. It amends the Sales and Use Tax Acts to exempt aggregate manufacturing equipment. Be glad to answer any questions, and I solicit an Aye vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Is there any discussion? If not, Senator Fawell, to close?

SENATOR FAWELL:

I solicit an Aye vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

The question is, shall House Bill 27 pass. Those in favor will vote Aye. 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, Mr. Secretary. On that -- on -- on House Bill 27, there are 49 Ayes, 2 Nays, none voting Present. And House Bill 27 shall be so reported -- or, is declared -- receives the required constitutional majority, is declared passed. House Bill 50. Senator Klemm. Out of the record. House Bill 56. With leave of the Body, we'll return to that. House Bill 108. Senator Weaver. Read the bill, Mr. Secretary. Senator Weaver, do you wish this bill returned to 2nd Reading for purposes of amendment? Senator Weaver seeks leave of the Body to return House Bill 108 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 108. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senators Weaver and

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Rauschenberger.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Weaver.

SENATOR WEAVER:

Thank you, Madam President. This is an attempt to put a technical amendment on it to keep the bill alive, send it back to the House for further conference committee report.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. House Bill 110. Senator Bomke. Out of the record. House Bill 131. Senator Rauschenberger. Out of the record. House Bill 154. Senator Parker. Out of the record. House Bill 157. Senator Hendon. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 157.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. This bill, which is supported by everyone - I know of no opposition - would just make it harder for child sex offenders to be in the schools and get access to our children, and I would urge an Aye vote on this very tough-on-crime legislation. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Are there any questions? Any discussion? If not, the

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question is, shall House Bill -- I'm sorry. Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR KARPIEL)

He indicates he will.

SENATOR HAWKINSON:

Senator, this has no application, I take it, to an individual who has a son or a daughter in school and needs to go for a parent conference or something like that?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Hendon.

SENATOR HENDON:

Thank you for your question, Senator. You're absolutely correct. If they have a son or daughter at the school or they have permission of the administrator or the principal, then it's okay for them to be there.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any further discussion? If not, the question is, shall House Bill 157 pass. Those in favor will vote Aye. 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, Mr. Secretary. House Bill 157 -- on that question, there are 55 Ayes, none voting Nay, and none voting Present. And House Bill 157, having received the required constitutional majority, is declared passed. With leave of the Body, we'll go back to House Bill 165. House Bill 172. Senator Dudycz. Out of the record. House Bill 190. Senator Watson. Out of the record. House Bill 204. Senator Syverson. Out of the record. House Bill 229. Senator Philip. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 229.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President and Ladies and Gentlemen of the Senate. House Bill 229 amends the Legislative Materials Act and General Assembly Compensation Act by permitting the Clerk of the House to charge a fee for resolutions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Is there any discussion?

SENATOR PHILIP:

If anybody has any questions, I'll be happy to answer 'em.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any questions? If not, the question is, shall House Bill 229 pass. Those in favor will vote Aye. 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, Mr. Secretary. On that question, there are 52 voting Aye, none voting Nay, none voting Present. And House Bill 229, having received the required constitutional majority, is declared passed. House Bill 235. Senator Maitland. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 235.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. House Bill 235 consolidates numerous civic center authority Acts into a singular Code. The Metropolitan Fair and Exposition

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Authority in Chicago is not included. The bill does not change the authorization of any of the authorities -- civic center authorities around the State. It simply consolidates and brings some continuity and codification to the civic center authorities. It makes absolutely no substantive changes. I know of no opposition, would seek the support of the Body.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Rea.

SENATOR REA:

Yes, Madam President. A question of the sponsor.

PRESIDING OFFICER: (SENATOR KARPIEL)

He indicates he'll yield.

SENATOR REA:

Senator, this does not eliminate any of the civic center authorities that's already been established, and does it create any new ones?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Maitland.

SENATOR MAITLAND:

As I -- as I indicated, Senator Rea, in my opening, it does not. This is -- this is really a product of LRB in an attempt to consolidate and codify the Civic Center Codes.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Rea.

SENATOR REA:

And so those new ones that were established that had not been funded, they will be included in this, and this would just make it uniform throughout?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Maitland.

SENATOR MAITLAND:

That is -- absolutely correct, Senator.

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PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam Chair. As of yesterday, my computer is locked up. I'd appreciate it if we could hold business until we could see the synopsis and the analysis that we would have on our computer system. I don't know whether I'm the only one with one locked up, but I'd appreciate having a chance to look at the analysis.

PRESIDING OFFICER: (SENATOR KARPIEL)

...believe it should be up on your computer now, Senator Burzynski? ...discussion? Is there any further discussion on -- on this -- on House Bill 235? If not, Senator Maitland, to close. All right. The question is, shall House Bill 235 pass. Those in favor will vote Aye. 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, Mr. Secretary. On this question, there are 57 voting Aye, none voting Nay, none voting Present. And House Bill 235, having received the required constitutional majority, is declared passed. Senator Watson, for what purpose do you rise?

SENATOR WATSON:

Yes, Madam President. On a point of personal privilege.

PRESIDING OFFICER: (SENATOR KARPIEL)

State your point, Senator Watson.

SENATOR WATSON:

Yes. I'd like to introduce a group of junior high students from Carlyle High -- from Carlyle Junior High School in my district. They're here as part of the Challenge Program. They are a gifted group, and they're with Cynthia O'Neill, Tim Branon and Lana Nattier, and -- from Carlyle, the home of champions. We'd like -- they're behind me in our side of the aisle, and I'd like

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to welcome them here to -- to Springfield?

PRESIDING OFFICER: (SENATOR KARPIEL)

Would you like to stand? Welcome to Springfield. Senator Dillard, for what reason do you rise?

SENATOR DILLARD:

Thank you, Madam President. For purposes of an announcement. Many of you may have seen on our Senate Calendar for the last three days a item called Report of Election Contest, in the Legislative District 24 and Legislative District 58 election contests. I've conferred with the Senate President and, just so all of us are here on the Floor on both sides of the aisle, I plan to, with the Senate President's permission, go today to move that we adopt the Report in both of those election contests around 2 o'clock p.m. So about 2 o'clock this afternoon, Senator Philip, I believe, is going to let us consider the election contests, which has been on the Calendar of this Senate for the last few days. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

Next bill is Senator Mahar, on House Bill 263. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 263.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President. House Bill 263 is one of the two bills which we're going to use as a conference committee to hopefully finally vote on electric deregulation in the State of Illinois. So I would appreciate an affirmative vote and sending this back to the House for the purpose of putting it in

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conference. I can tell the Members that we have made significant strides in coming to some conclusions on this in the last twenty-four hours. So I would anticipate that we're going to have a vote on this issue next week. I'd be happy to answer any other questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall House Bill 263 pass. Those in favor will vote Aye. 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, Mr. Secretary. On this question, there are 52 voting Aye, none voting Nay, none voting Present. And House Bill 263, having received the required constitutional majority, is declared passed. Could I ask for just a -- a little bit more order in here? From up here, I want to tell you, it's beginning to look like the House. House Bill 297. Senator O'Malley. Out of the record. House Bill 307. Senator Geo-Karis. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 307.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Geo-Karis..

SENATOR GEO-KARIS:

Thank you, Madam President and Ladies and Gentlemen of the Senate. House Bill 307 amends the County Code -- Counties Code, the Municipal Code and the Vehicle Code. Allows a municipality or county to contract with the owner of a commercial and industrial facility to empower the municipality or county to regulate the commercial and industrial facility parking areas. We already do that with shopping malls, but this includes the commercial and industrial facilities. It also widens the scope of the type of

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offenses under which the Secretary of State suspends the driving privileges for ten or more violations. This bill has been offered at the request of the Illinois Municipal League, and I ask for favorable consideration.

PRESIDING OFFICER: (SENATOR KARPIEL)

Is there any discussion? If not, shall House Bill 307 pass? Those in favor shall vote Aye. 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, Mr. Secretary. On that question, there are 58 voting Aye, none -- 1 voting Nay, none voting Present. And House Bill 307, having received the required constitutional majority, is declared passed. House Bill 313. Senator O'Malley. Out of the record. House Bill 353. Senator Rauschenberger. Senator Rauschenberger on the Floor? Out of the record. House Bill 362. Senator Mahar. Out of the record. House Bill 379. Senator Link. Out of the record. We'll be at ease for just a few minutes. ...Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Purpose of personal privilege.

PRESIDING OFFICER: (SENATOR KARPIEL)

State your point.

SENATOR GEO-KARIS:

I'm -- Ladies and Gentlemen of the Senate, Madam President, I'm happy to introduce to you in the President's Gallery, Arlene Demb and Al Taylor, who run the Northpoint Development Center in Zion, Illinois. And they're in the President's Gallery, and I believe they are constituents of Senator Terry Link. And another guest, my guest, in -- my right, over here, is Mrs. Ahuva Desnick, A-H-U-V-A, from Highland Park, who is visiting the Senate today, and her daughter, Michelle, is one of our Pages today. I'd like you all to welcome them here today.

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PRESIDING OFFICER: (SENATOR KARPIEL)

Welcome to Springfield. All right. Back to page 4 on the Calendar, the top of -- top of page 4 is House Bill 447. Senator Smith. Out of the record. House Bill 468. Senator Butler. Senator Butler, on 468? Out of the record. House Bill 470. Senator Rauschenberger. Out of the record. House Bill 475. Senator Rauschenberger. Out of the record. House Bill 526. Senator Peterson. Out of the record. House Bill 528. Senator Peterson. Out of the record. House Bill 596. Senator Radogno. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 596.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Madam President. This bill would exempt law enforcement, fire department and other emergency vehicles from paying the toll in order to use the toll highway. These vehicles were previously exempted; however, you may remember that recently the Toll Highway Authority eliminated the use of all passes, due to alleged abuses. As a result of this elimination of passes, local governments are required to pay tolls each time their vehicles use the toll road. While the amounts involved are actually small change for the Toll Highway Authority, it is a more sizable amount for local governments. In addition to providing savings for local governments, this bill will encourage emergency and law enforcement vehicles to use the tollways, and the presence of these vehicles, I believe, is a benefit to all motorists. This bill states that any plainly marked law enforcement, fire or other emergency vehicle will not be required to pay the toll, and if the

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vehicle is not plainly marked, the driver will present an official permit card which will be obtained from the employer. The Toll Highway Authority will adopt the rules for the issuance of these permits, and the Toll Highway Authority does support this legislation. I'd be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Are there any questions? Any discussion? If not, shall House Bill 596 pass. I'm sorry. Senator Link, I didn't see your light. Senator Link.

SENATOR LINK:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR KARPIEL)

She indicates she will.

SENATOR LINK:

Senator Radogno, I have a question: Is this for official business only, and if they're just driving from point A to point B for a fire chiefs' convention or a police chiefs' convention, do they still get the opportunity of getting a free pass on the tollway, or is this for official business only?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Radogno.

SENATOR RADOGNO:

Yes, it is for official business only, and the way the tollway plans to implement this, with cards, using technology where they can actually track the time of the visit so there's some accountability, which was missing before in their permit system. So it will be for official business only.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Link.

SENATOR LINK:

My only question on that is, though, what is the definition of

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official business? Is it on -- something where we're on a police pursuit or we're on a fire, or what are we after? Or is it like I say, back to earlier, is that they're on the way to a convention for police or fire chiefs?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Radogno.

SENATOR RADOGNO:

The legislation doesn't specify what official business is, but the Toll Highway Authority will be writing the rules, so it will be up to them to describe exactly what official business is. The only specific instance that was addressed throughout the discussion of this was officers using marked vehicles. And what was said during the committee hearings is that those folks are on duty from the time that they are in that car until they get out of it. So if you're in a marked car, it is always construed to be official business.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Link.

SENATOR LINK:

But isn't that the problem that we faced on this in the first time, that there was misuse of people driving from Springfield - say they were down here for some doing - and they were on their way to beautiful Lake County, back to their hometown and they're going through the tollway, and they're driving and they've got their street clothes on, and they're not really what we would consider official business, but yet they still get a pass from the tollway? Isn't that the problem we faced in the first time?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Radogno.

SENATOR RADOGNO:

That's precisely the problem that we faced the first time, which is why they withdrew all passes. But in doing so, I think we

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kind of threw the baby away with the bath water, and this allows us to reimplement it for law enforcement and emergency vehicles. And, again, the tollway anticipates having much better control and accountability with these passes. And these are for unmarked cars only. Of course, marked vehicles, there's no question about. But the unmarked passes will be using technology so they know who used 'em, at what time, so we can track and be sure that there's not the development of the kind of abuses that we had before.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Link.

SENATOR LINK:

I agree with the intent of what you're trying to do, and it -- and it's a good step forward, but I don't think we're solving the problem in here: is that we still have State police or local police that may be using a marked car to drive from point A to point B, but not on official business; they're just using it because that's the least expensive way for the municipality or the county to use that vehicle, but yet we're still -- we're still getting through on the tollway because of this. Is there -- what I'm looking for is a clarification of what type of official business we construe for this person to be getting this free pass on the tollway?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Radogno.

SENATOR RADOGNO:

Yes. I understand your question, but what I'm saying is the Toll Highway Authority, based on this legislation, will be writing those rules. So if you have particular concerns and you think this is a good idea, I would urge you to vote in favor of it and then speak with the Toll Highway Authority or follow their development of those rules.

PRESIDING OFFICER: (SENATOR KARPIEL)

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Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Yes, thank you, Madam President. I stand in support of this legislation. Just to further clarify what Senator Radogno was saying, previously the -- the Toll Authority was issuing index cards - index-type cards - and they were giving them liberally. As you submitted your -- the card, as the policeman or a -- or a firefighter in the official business, you submitted a card, filled it out, and they gave you a blank one in return. And all they had at the end of the year was a big stack of cards that they had no real way of -- of tabulating how they were being used, whether they were being used on official business or on personal business. Because anybody with any type of vehicle, as long as they had one of those cards, they can go get that free pass. What the Toll Highway Authority is proposing now is that there is official passes that are issued to the department heads of the fire or police departments. They are the only ones that are authorized to distribute those passes to those particular vehicles to use in official business. And, Senator Link, in response to official business, law enforcement sometimes travels across a municipal line -- Senator Link? Law enforcement sometimes travels across municipal lines and county lines in the investigation of various crimes that they've investigating, and the fire districts also. The vehicles sometimes are used from municipality, going into other municipalities, other jurisdictions to support the other fire services. So what this would be doing is allowing them to be monitored with these passes, as long as -- as long as they are being used on official business. But they would be monitored, and these would be controlled by the -- the department heads, and it'll be issued, not just given liberally as previously.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Parker.

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SENATOR PARKER:

Thank you, Madam President. I just wanted to rise in support of this legislation. As many of you may know, the CTA allows the police and the fire -- I'm not sure about the fire people, but I know the police, to use passes to go on that system because it certainly makes the system safer when they are allowed to travel it. And I think that this is good legislation as far as tightening up who will be able to travel on the tollway but yet encouraging the police officers and those on official duties to use the tollway, because anything like that encouragement does help the safety of the system.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Garcia, for what reason do you rise?

SENATOR GARCIA:

For a point of personal privilege.

PRESIDING OFFICER: (SENATOR KARPIEL)

State your point.

SENATOR GARCIA:

Madam President, I apologize for rising in -- during the discussion on this bill, but I do have a group of constituents who are here. They are the District 1 Ambulatory Health Care Council from Chicago. They're here with a large, diverse group of immigrant communities for Illinois Immigrant Day. I'd like for them to rise and if we could give them a round of applause. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

Welcome to Springfield. Senator Demuzio, for what reason do you rise?

SENATOR DEMUZIO:

Madam President, while we're on that order of business, I too have a group from -- the seventh and eighth grade from Staunton, Illinois, that is visiting the -- the Senate today. They are

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behind me in the gallery on the Senate Democrat side. I would ask that they rise and be recognized by the Senate, please.

PRESIDING OFFICER: (SENATOR KARPIEL)

Welcome to Springfield. Senator Molaro, further discussion...

SENATOR MOLARO:

Thank you...

PRESIDING OFFICER: (SENATOR KARPIEL)

...on House Bill 596.

SENATOR MOLARO:

Well, thank you, Madam President. If the sponsor -- I'm not going to ask a question. I -- I'm going to talk about my colleague from Lake County. And Senator Radogno, who has a -- I think has a terrific bill. It certainly does tighten up everything. This part about - which I can't understand - this part about a squad car not having to pay forty cents. Well, that certainly makes sense to me. If you have a squad car, we can't make -- and to put the onus on the tollway Authority, as my colleague from Lake County would say, doesn't seem to make sense. I'm saying if there are police departments out there that are letting police officers use squad cars when they're not on official business, then we should be talking to that police department, 'cause it's my understanding that most police -- you shouldn't be saying, we're going to make -- "We want a bill that puts some onus on the tollway Authority." I don't think we should put it on the tollway Authority. You've got a marked squad car. You can't have him pay forty cents. If we feel they're out there on unofficial business, then I think we should go to that police department and say, "Hey, what the heck are you giving them squad cars for when they're on personal business?" So I think it's a great bill and you've -- doing a great job. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

Is there any further discussion? If not, Senator Radogno, to

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close.

SENATOR RADOGNO:

Thank you. For two reasons: This is a cost savings for local governments; and, secondly, it encourages law enforcement vehicles and personnel to use the tollways. This is a sensible piece of legislation. I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

All right. The question is, shall House Bill 596 pass. Those in favor will vote Aye. 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, Mr. Secretary. On that question, there are 57 Ayes, 1 voting Nay, none voting Present. And House Bill 596, having received the required constitutional majority, is declared passed. Senator Madigan? House Bill 602. Senator Maitland. Out of the record. House Bill 611. Senator Mahar. Out of the record. House Bill 613. Senator Cullerton. Out of the record. House Bill 635. Senator Syverson. Out of the record. House Bill 652. Senator Rauschenberger. Out of the record. House Bill 679. Senator Thomas Walsh. Out of the record. House Bill 680. Senator Maitland. Out of the record. House Bill 689. Senator Burzynski. Read the bill.

SECRETARY HARRY:

House Bill 689...

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Burzynski. I'm sorry. Do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Burzynski seeks leave of the Body to return Senate -- House Bill 689 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 689. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

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Amendment No. 2, offered by Senator Burzynski.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Amendment -- or, Floor Amendment No. 2 basically deletes one provision in the underlying bill and removes a provision that school districts must notify legislators when they're having a public hearing on the school waiver process.

PRESIDING OFFICER: (SENATOR KARPIEL)

Are there any other amendments for consideration? Yeah, okay. All those in favor of Amendment No. 2 to House Bill 689, say Aye. The Ayes -- opposed, Nay. The Ayes have it, and the amendment is adopted. Are there further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. Senator Philip.

SENATOR PHILIP:

Thank you, Madam President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR KARPIEL)

State your point.

SENATOR PHILIP:

Sitting over next to Senator Weaver is the retired Democrat leader from downstate Illinois, an old, old friend, Jimmy Donnewald. Will he please rise and be recognized by the Senate?

PRESIDING OFFICER: (SENATOR KARPIEL)

Welcome back to Springfield. House Bill 689 is on 3rd Reading. House Bill 709. Senator Weaver. Senator Weaver, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Weaver seeks leave of the Body to return House

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Bill 709 to the Order of 2nd Reading for the purpose of an amendment. On the Order -- hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 709. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Weaver.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Weaver, on Amendment No. 3.

SENATOR WEAVER:

Thank you, Madam President. This is basically a technical amendment to make clarification and make sure that the law is -- is understood. That -- if anybody has any questions about it, I'll be happy, but -- to explain it, but it's a technical amendment.

PRESIDING OFFICER: (SENATOR KARPIEL)

There is no 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:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. House Bill 725. Senator Thomas Walsh. House Bill 729. Senator Butler. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 729.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Butler.

SENATOR BUTLER:

Thank you very much, Madam President. Ladies and Gentlemen,

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House Bill 729 is an election procedure bill which clears up some of the misunderstandings about various requirements. It is primarily an effort to clear up some red tape that has accumulated over the years. It does four things. First of all, it requires a newly created political committee to organize itself within ten business days, except that if that committee was formed thirty days prior to -- to an election, that is moved up so that they must report within five business days. Secondly, it requires political committees to -- to disclose their assets, as well as fund balance, when they -- when they are dissolved. This clears up some misunderstandings as to the disposition of assets, such as computers, automobiles and other types of equipment. They must now be reported. Thirdly, it requires the State Board of Election to render a final decision on a complaint within sixty days of a complaint, except when that complaint is filed during the sixty days preceding election. It does not change the requirement for a decision of a complaint, which is seven days, if that's filed sixty days preceding the date of the election. It also deletes obsolete and unnecessary information from the Statement of Organization and from the D-2 Forms, many of which are just duplicate. So, all in all, I think this clears up some of the misunderstanding. I don't see anything earthshaking in any of these. So I'd appreciate your Aye vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Bowles.

SENATOR BOWLES:

Thank you, Madam President. I rise in support of this bill with Senator Butler. It's a good piece of legislation, and it's directed in the right direction to solve some of the problems. And it is a State Board of Election supported bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any further discussion? If not, the question is, shall House

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Bill 729 pass. Those in favor will vote Aye. 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, Mr. Secretary. On that question, there are 56 voting Aye, none voting Nay, none voting Present. And House Bill 729, having received the required constitutional majority, is declared passed. House Bill 740. Senator Watson. Out of the record. House Bill 748. Senator Fawell. Read the bill, Mr. Secretary. No. I'm sorry. Out of the record. Oh. All right. Senator Fawell, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Fawell seeks leave of the Body to return House Bill 748 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 748. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Fawell, on -- on Amendment No. 1.

SENATOR FAWELL:

Thank you very much. This is the agreement that has been reached with Cook County, and it merely adds the -- the words "null and void" to make the bill prospective.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, all those in favor, say Aye. Senator Demuzio.

SENATOR DEMUZIO:

Well, I'm sorry. I -- I thought I was listening attentively, but the Senator said she added the words "none {sic} and void" and that make it prospective. Perhaps she could elaborate a little bit.

PRESIDING OFFICER: (SENATOR KARPIEL)

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Senator Fawell.

SENATOR FAWELL:

This is the bill that we actually passed over to the House originally. I think it was 53 to nothing. And it's on the vehicle tax that allows the -- it inadvertently allowed the counties to put a vehicle tax on, and we have come to an agreement with Cook County. It's the only county that's doing so.

PRESIDING OFFICER: (SENATOR KARPIEL)

No further -- if there's no further discussion, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further amendments?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. House Bill -- House Bill 752. Senator Cronin. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 752.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President. House Bill 752 creates the State Finance Act -- or, amends the State Finance Act and amends the Illinois Income Tax Act to create the Do-It-Yourself School Funding Fund. It creates such a fund -- or, it allows taxpayers to forgo the receipts of amounts due for them with respect to their standard or personal exemptions or the income tax credit for five percent of the amount of property taxes paid on a principal resident {sic}. These monies are instead deposited into the new Fund for disbursement to local school districts and allocation

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shall be according to the residence of the taxpayer. This gives the taxpayers an opportunity to voluntarily give money to their local school. This is the year that we are working diligently to reform the way we fund schools. This is kind of a easy and clever thing that originated in the House. It -- it can be a serious plan. I -- I can foresee superintendents and local school board members contacting, notifying their local residents to -- and encouraging them to make the -- the check-off. So I encourage your support.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Radogno.

SENATOR RADOGNO:

Thank you, Madam President. I voted against this bill in committee, and I still have the concerns that I expressed there. Number one, it seems to me that currently, with foundations and fund-raising activities, people have the ability to contribute voluntarily to their schools if they wish to do so. Secondly, the Department of Revenue -- I believe the Department of Revenue expressed a very legitimate concern, in that it will be difficult for them to collect and then accurately distribute these revenues. And having worked in a local government, when Department of Revenue makes an error in the distribution of funds, it's very difficult then to get that all straightened out. And finally, I don't want to give the impression that we, in the General Assembly, think that the schools should be voluntarily funded, and I think we need to focus, again, on a real solution to school funding.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President, Ladies and Gentlemen of the Senate, I vote -- I rise to support this bill. If people want to give their money

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voluntarily, they should be allowed to do so for education. And the Department of Revenue has plenty of employees, and if they get off their backs and work full-time jobs - 'Cause I'm going to tell you, I've been very disappointed in some of them - I can tell you the work can be done. And I rise in support of this bill and I urge a favorable consideration.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

...you, will -- Thank you. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR KARPIEL)

He indicates he will.

SENATOR BURZYNSKI:

Is there anything that precludes a taxpayer from donating to their school district now, without having to go through the Department of Revenue?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

Well, for those school districts that have established foundations, no, they're not precluded. The thought behind this bill was that at a time when citizens are focused on their taxes, their tax returns, that here is a time that they could devote a portion of their income to the local schools. I don't pretend that this is, by any stretch of the imagination, "the" school funding reform plan, but I think it certainly is a mechanism that all of us voluntarily could participate in. It's a tool that the local school districts could use, and for those reasons, I think, on balance, it's a better bill than it's not.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

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SENATOR CRONIN:

I just wanted to add that I have great respect for the Director, Ken Zehnder. They have a marvelous department. The House sponsor has been very, very enthusiastic and -- and motivated in his advocacy of this bill, and I joined with him to support and carry the bill in the Senate. The House sponsor has also had conversations with the Director and is willing to ask the Governor to provide that the effective date of this bill would be in a year or so, to give the Department time to set up and handle this issue administratively. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

The question is, shall House Bill 752 pass. Those in favor will vote Aye. 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, Mr. Secretary. On that issue, there are 54 Ayes, 4 Nays, none voting Present. And House Bill 752, having received the required constitutional majority, is declared passed. House Bill 754. Senator Cronin, do you wish this bill returned to 2nd Reading for purposes of amendment? Senator Cronin seeks leave of the Body to return House Bill 754 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. Senator Cronin, on the amendment. Oh. Secretary -- Mr. Secretary, are there any amendments filed?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Cronin.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

Thank you. We had a Senate Floor Amendment No. 2 that was proposed to this bill. We heard it in committee this morning. It simply adds the contents of House Bill 449 onto this bill. 449 was a bill that passed out of our committee on the Agreed Bill

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List. The amendment changes the reimbursement claim dates for four categorical programs, and those programs are special ed orphanage, regular orphanage, gifted education and bilingual ed. It's an administrative matter only. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, 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 KARPIEL)

3rd Reading. House Bill 762. Senator Molaro. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 762.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Molaro.

SENATOR MOLARO:

Thank you, Madam President and Members of the Senate. What House Bill 762 does is it changes minor technical changes to the towing portion of the Vehicle Code. It changes accident reporting requirements, codifies search times for the Secretary of State, and it changes the manner in which notification's sent to vehicles to be towed. They're minor changes, and I'll answer any questions. It passed committee unanimously and the House committee unanimously. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SENATOR MOLARO:

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...ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR KARPIEL)

The question is, shall House Bill 762 pass. Those in favor will vote Aye. 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, Mr. Secretary. On that question, there are 58 Ayes, none voting Nay, none voting Present. And House Bill 762, having received the required constitutional majority, is declared passed. Senator Halvorson, for what purpose do you rise?

SENATOR HALVORSON:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR KARPIEL)

State your point.

SENATOR HALVORSON:

Well, today I have with me a family from Luther East High School. Erin Thompsen and her parents, Pastor and Mrs. Thompsen. I would like for -- to -- for us to acknowledge them. If they would please rise. They're right over here.

PRESIDING OFFICER: (SENATOR KARPIEL)

Welcome to Springfield.

SENATOR HALVORSON:

Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

House Bill 800. Senator Philip. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 800.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Philip.

SENATOR PHILIP:

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Thank you, Madam President and Ladies and Gentlemen of the Senate. House Bill 800 amends the Freedom of Information Act. It prohibits a public body from exclusively contracting with a private entity. Prohibits clerks of the court from exclusively contracting with private entities also. This is an initiative from the Illinois Press Association. The question should be: Why should private business be allowed to have exclusive control over any segment of public record, particularly those that the taxpayers have already paid for? Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall -- if not, shall House Bill 800 pass. Those in favor will vote Aye. 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, Mr. Secretary. On that question, there are 59 Ayes, none Nays, no voting Present. And House Bill 800, having received the required constitutional majority, is declared passed. House Bill 844. Senator Fawell, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Fawell seeks leave of the Body to return House Bill 844 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 844. Mr. Secretary, are there any further amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is a -- an agreement that has been reached between the insurance companies and the rental companies.

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Basically, the amendment alters the reasons under which a rental car company may void CDWs. It includes: if the damage is caused intentionally or the result of willful or reckless conduct, damages arise out of the use of alcohol or drugs, if the rental company has entered into a rental transaction based on fraudulent information, if the damage arises out of the use of the vehicle while engaged in the commission of a crime, if the damage arises out of the use of the vehicle to carry persons or property for hire, the damages arises out of the use of the vehicle by a person other than the authorized driver, or if the damage arises out of the use of a vehicle outside of the continental U.S. when that use is not specifically authorized by the rental agreement. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, 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 KARPIEL)

3rd Reading. House Bill 847. Senator Fawell. Out of the record. House Bill 864. Senator Garcia. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 864.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Garcia.

SENATOR GARCIA:

Thank you, Madam President. House Bill 864 sailed out of the House on a 115 to 0 vote and it came out of the committee on the

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Agreed Bill List. Essentially, it requires all licensed health care facilities to require that all persons who observe, examine or treat a patient or resident of a facility to wear identification badges. The badges must readily disclose the person's name, their licensure -- licensure status, if applicable, and lastly, the person's staff position.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall House Bill 864 pass. Those in favor will vote Aye. 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, Mr. Secretary. On that question, there are 57 voting Aye, none voting Nay, none voting Present. And House Bill 864, having received the required constitutional majority, is declared passed. House Bill 883. Senator Radogno. Out of the record. House Bill 909. Senator Fitzgerald. Out of the record. House Bill 927. Senator Cullerton. Out of the record. House Bill 940. Senator Watson. Senator Watson? House Bill 940. Out of the record. House Bill 974. Senator O'Malley. Out of the record. House Bill 989. Senator Larry Walsh. Out of the record. House Bill 994. Senator O'Daniel, do you wish this bill returned to 2nd Reading for purposes of amendment? Senator O'Daniel seeks leave of the Body to return House Bill 994 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 994. Mr. Secretary, are there any Floor amendments approved for consideration? We honestly can't hear hardly a thing up here. Please keep it down.

SECRETARY HARRY:

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

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator O'Daniel.

SENATOR O'DANIEL:

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Thank you, Madam President, Members of the Senate. Floor Amendment No. 1 to House Bill 994 is an amendment that IDOT came up with to remove their opposition. Senator Watson and myself met with IDOT and the Governor's people, and so as a result of this amendment, they have removed their opposition. I would ask your support of this amendment.

PRESIDING OFFICER: (SENATOR KARPIEL)

If there's no 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:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. House Bill 998. Senator O'Daniel. Out of the record. House Bill 1051. Senator Madigan. Out of the record. House Bill 1112. Senator Hawkinson, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Hawkinson seeks leave of the Body to return House Bill 1112 to the Order of 2nd Reading for purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1112. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. This bill deals with the ability of community colleges and universities to enter into intergovernmental agreements for technology exchanges with high schools and others. This amendment comes at the request of CMS, which just clarifies that any agreements must be in compliance

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with CMS's mandate to provide telecommunication to all State agencies. I think it's really a technical amendment, and I would ask for its adoption.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. House Bill 1115. Senator Dudycz, do you wish this bill returned to 2nd Reading for purpose of an amendment? Senator Dudycz seeks leave of the Body to return House Bill 1115 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 1115. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Dudycz.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dudycz, to explain the amendment. Senator Dudycz:

SENATOR DUDYCZ:

Can we pass this one up, Madam President. I just came back to my desk.

PRESIDING OFFICER: (SENATOR KARPIEL)

Certainly. Senator Dudycz.

SENATOR DUDYCZ:

Yes. Thank you, Madam President. Amendment No. 1 to House Bill 1115 replaces the word "shall" with "may".

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion of that momentous amendment? If not, all those

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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 KARPIEL)

3rd Reading. House Bill 1117. Senator Molaro. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1117.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Molaro.

SENATOR MOLARO:

Well, thank you, Madam President, Members of the Senate. Currently a -- we have on the Criminal Code, we have insurance fraud, and basically what that is, as we all know, is that if someone knowingly obtains, or attempts to obtain, or causes to be obtained, by deception, control over the property of an insurance company by making a false claim on any policy of insurance issued by the insurance company. So when you have all these fraudulent accidents going on and people are claiming they were rear-ended when, in fact, it was based on fraud, the insurance company can go out and they can be criminally gone after for insurance fraud. However, most governmental agencies, such as the City of Chicago or the CTA, are self-insured; therefore, they cannot prosecute people under insurance fraud, technically, because they're self-insured. What this change in the Statute, it allows self-insured governmental entities to be able to sue under the same Statute for fraud just as insurance companies are. So now if you go out and you commit fraud -- or, insurance fraud, and you do

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it with a city car or by a city truck and they find out that you fraudulently made false claims, they can go after you under the insurance fraud Statute. And I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall House Bill 1117 pass. Those in favor will vote Aye. 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, Madam Secretary. On this issue, there are 55 Ayes, none voting Nay, none voting Present. And House Bill 1117, having received the required constitutional majority, is declared passed. House Bill 1118. Senator Peterson. Out of the record. House Bill 1119. Senator Jacobs. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1119.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Bill 1119 provides that the ten-dollar fee which is currently charged to cover the cost of mailing registered or certified notices and publishing a notice to delinquent taxpayers whose taxes are about to be sold shall be assessed against a delinquent taxpayer who pays their taxes after the notices have been issued and -- but before the taxes are sold. This would cover the few instances where the county has gone to the expense of providing notice and the taxes are paid before they could be sold. This expense is still there, and I think it's a good bill and ask for your support.

PRESIDING OFFICER: (SENATOR KARPIEL)

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Any discussion? If not, the question is, shall House Bill 1119 pass. Those in favor will vote Aye. 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, Madam Secretary. On this issue, there are 54 Ayes, none Nay -- no Nays, none voting Present. And House Bill 1119, having received the required constitutional majority, is declared passed. House Bill 1121. Senator Peterson. Out of the record. House Bill 1140. Senator Cullerton. Out of the record. House Bill 1142. Senator Jones. Out of the record. House Bill 1144. Senator Maitland. Out of the record. House Bill 1147. Senator O'Malley. Out of the record. House Bill 1169. Senator Mahar. Out of the record. House Bill 1171. Senator Rauschenberger. Out of the record. With leave of the Body, we'll return to 1174. House Bill 1180. Senator O'Malley, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator O'Malley seeks leave of the Body to return House Bill 1180 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 1180. Mr. -- Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Amendment No. 1 adds the contents of Senate Bill 848 that passed the Senate earlier this year, 51 to 5, but got hung up over in the House. The language of this amendment is -- is traditionally referred to as the community college rate bill, and it is used to implement the -- the State appropriation for

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community college grants. I'd be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator O'Daniel.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Madam President, Members of the Senate. Floor Amendment No. 2 to House Bill 1180 amends the Community College Act with reference to community college borrowing. It raises a -- raises to 4.5 million from 1.5 million, the limit on the amount of community college -- a community college district can borrow for repairs necessary for health, safety, energy conservation and handicapped accessibility. This came out of committee without any dissenting votes. I'd appreciate a favorable...

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading.

END OF TAPE

TAPE 2

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PRESIDING OFFICER: (SENATOR KARPIEL)

House Bill 1197. Senator Clayborne. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1197.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Madam -- Madam President. House Bill 1197 basically authorizes the transfer of funds that are currently being held in the State Community College Contracts and Grants Fund. There's an -- the college has outstanding debts of about two hundred and fourteen thousand dollars, and currently in the Fund there's about a hundred and seventy-two thousand dollars that is needed to pay old obligations. These funds would be transferred to the ICCB and the spending of these funds would take place to pay off the debts. I would ask for your favorable vote, and be open for any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall House Bill 1197 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 -- take the record, Madam Secretary. On this -- on this question, there are 59 Ayes, no Nays, none voting Present. And House Bill 1197, having received the required constitutional majority, is declared passed. House Bill 1210. Senator Dillard. Out of the record. House Bill 1212. Senator Donahue. Out of the record. House Bill 1215. Senator Burzynski. Out of the record. Senator Clayborne, for what purpose do you rise?

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SENATOR CLAYBORNE:

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

PRESIDING OFFICER: (SENATOR KARPIEL)

State your point.

SENATOR CLAYBORNE:

Behind me in the Democratic gallery we have the Queen of Peace School here from Belleville, Illinois, and I would ask that -- that the -- that they stand and be recognized by the Senate.

PRESIDING OFFICER: (SENATOR KARPIEL)

Welcome to Springfield. House Bill 1239. Senator Mahar. Out of the record. House Bill 1252. Senator Dillard. Out of the record. House Bill 1254. Senator Cronin. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1254.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President. This bill amends the Criminal Code by creating the new offense of aggravated endangerment of the life or health of a child. Create a Class 4 felony for a first offence, a Class 2 for a second or subsequent. As a matter of inquiry of the Chair, is there an amendment on file?

PRESIDING OFFICER: (SENATOR KARPIEL)

Nothing has been approved for consideration.

SENATOR CRONIN:

Pardon me, Madam President. May I take this bill out of the record? There's an amendment that we're seeking to prepare.

PRESIDING OFFICER: (SENATOR KARPIEL)

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Out of the record.

SENATOR CRONIN:

Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

House Bill 1268. Senator Shaw. Out of the record. House Bill 1269. Senator Shaw. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1269.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Shaw.

SENATOR SHAW:

This is simply a revisory bill that LRB wanted, and it makes certain technical changes and I would ask for passage of the 1269.

PRESIDING OFFICER: (SENATOR KARPIEL)

Is there any discussion? If not, the question is, shall House Bill 1269 pass. Those in favor shall vote -- 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 this question, there are 57 Ayes, none voting Nay, none voting Present. And House Bill 1269, having received the required constitutional majority, is declared passed. House Bill 1280. Senator Madigan. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1280.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President, Members of the Senate. House Bill

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1280 is initiative of the Community Bankers of Illinois. It makes a change in the filing requirements for security interest in crops, farm products and equipment. Currently those -- in order to protect those security interests, a -- the statements are filed with the local recorder of deeds in the county clerk's, or county clerk's and recorder's, or recorder's, office. This makes that change to centrally locate that filing requirement with the Illinois Secretary of State. For awhile -- for one year or year and a half, a complimentary copy of that filing would be filed with the local clerk and/or recorder where that -- the land, crops or equipment is physically located. It also would provide for a ten-dollar filing fee, for that complimentary or informational copy, with the county clerk and that money would be used for automation purposes. I know of no opposition to House Bill 1280. Would happy -- be happy to answer any questions. Would otherwise ask for its approval.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR KARPIEL)

He indicates he will. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, what is the impact on previously filed security liens -- UCC liens?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Madigan.

SENATOR MADIGAN:

To -- to my knowledge, there is -- this would not impact any previous filings. Do you see something different in the...

PRESIDING OFFICER: (SENATOR KARPIEL)

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Senator Hawkinson.

SENATOR HAWKINSON:

No. I do not, but I'm -- I'm wondering when you change the filing place and people go to search the records to -- to discover whether there are liens on farm equipment or the like, for some period of time they will be having to check both at the county level and at the -- with the Secretary of State. Is there any provision in here to copy all of the existing liens that are on file in the counties and forward those to the Secretary of State so there'll be a central repository, or will there be some warning to people who are searching the records to indicate that liens filed prior to such and such a date should be examined at the county recorder's office?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Madigan.

SENATOR MADIGAN:

The informational copy will be filed with the local clerk from this date forward. Yeah. That's -- yeah... Madam -- Madam President, let's take House Bill 1280 out of the record, and let's see...

PRESIDING OFFICER: (SENATOR KARPIEL)

Out of the record. House Bill 1293. Senator Dudycz. ...the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1293.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dudycz.

SENATOR DUDYCZ:

Madam President, I move that we table House Bill 1293.

PRESIDING OFFICER: (SENATOR KARPIEL)

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Senator Dudycz moves that House Bill 1293 be tabled. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and House Bill 1293 is tabled.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Middle of page 8 of your regular Calendar in -- in the Order of House Bills 3rd Reading is House Bill 1337. Senator Bomke. Senator Bomke. House Bill 1344. Senator Dillard. Senator Dillard. House Bill 1347. Senator Donahue. House Bill 1374. Senator Walsh. Senator Walsh, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Walsh -- Thomas Walsh seeks leave of the Body to return House Bill 1374 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 1374. Madam Secretary, are there any Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Thomas Walsh.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Thomas Walsh.

SENATOR T. WALSH:

Thank you, Mr. President. This just adds an immediate effective date.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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 other Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bill 1400. Senator Madigan. House Bill 1411. Senator Rauschenberger. Madam Secretary, read the bill.

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ACTING SECRETARY HAWKER:

House Bill 1411.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1411 amends the Environmental Protection Act and permits landfills to use yard waste as a daily cover, as they cover up their landfills at night. Currently they're only permitted to use plastics and other things. Many other states, they're using land waste -- landscape waste for this. It's been very successful. It's a permissive bill. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Cronin.

SENATOR CRONIN:

Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Cronin.

SENATOR CRONIN:

I just wanted to -- a matter of inquiry. Where would the -- what kind of an effect does the yard waste have on neighboring communities? I mean, would it be -- would it create more of a nuisance, in terms of odor, than the current practice?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator, to the best of my knowledge and my understanding, it would actually reduce the odor. The chlorophyll from grass clippings and things tend to depress the odor, and since it would

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be reburied -- I mean, as they move the Caterpillars and things over it, it would actually be -- they -- they predict there'll be a reduction in odor problems, as well as a reduction in the amount of composting necessary to do statewide.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Is that your opinion, the EPA's opinion, or the environmentalists' opinion?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

The IEC is in support of this bill. We have not had resistance at all from them. To the best of my knowledge, that's all of their's opinion.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Shaw.

SENATOR SHAW:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Shaw.

SENATOR SHAW:

Senator, you say that you're going to use the -- the yard waste instead of using plastics even though it's permissive, but you're going to use the yard waste instead of the plastics in -- in terms of covering up garbage. Explain that -- explain exactly how this works.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Now -- now, I've never operated a landfill, but let me give you a quick sense of how I think they do it. Everyday as trucks

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come in with compressed garbage, they put them into the landfill and they run their Caterpillars back and forth and they make little mountains and things with them, and then, at the end of the day, so that refuse doesn't blow out of the landfill, or -- they -- they generally, today, I think, tarp many of the landfills and they lay tires on top of the tarps. Okay? This permits them to use a technique that was pioneered out East, where they actually take some yard products, yard waste that's currently not permitted to be put in a landfill, because you can't put landscape waste in a landfill in Illinois, and use that to control the -- the -- what's blowing around. Because we passed a law making it illegal to put landscape waste in a landfill, they need legislative permission to be able to use some yard waste as part of this daily cover process.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shaw.

SENATOR SHAW:

Do we have any way of knowing how much of this yard waste that we are going to -- that these landfills are going to be using? And my other question is: Have you ever lived next to a compost site where this yard waste is being disposed of?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator, I'm not sure how much volumetric, but as I understand it, it's a fairly inconsequential amount of the land -- or, the landscape waste that's going to be used, in the neighborhood of two to three percent. And as far as my proximity, I live currently about a mile and a half from a closed landfill that's leaking. I live two miles from an existing one in south Elgin that's still in operation, operated by Waste Management under contract, and there's a compost site about six miles from my

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house, but...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Welch, Patrick Welch.

SENATOR WELCH:

Thank -- thank you, Mr. President. I think...

PRESIDING OFFICER: (SENATOR DUDYCZ)

I beg your pardon. Senator Shaw, you didn't have your light on. Senator Shaw.

SENATOR SHAW:

I'm sorry. Another question. I'm -- I'm trying to find out, is there any set yardage amount in this legislation? I have not seen the legislation. Or can they just dump fifty tons or one ton, or how do we determine how much they need? Or is this a -- is it -- are we opening the door here that they can -- that they can dump any amount that they want? That's what I'm trying to figure out here. Could you explain that?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Senator Shaw. And I think that's a good question. The bill specifically says they can use an amount of landscape waste as average daily cover. It would be under the rules of the operating permit for the IEPA to cite them if they began to dump. There is no economic advantage, however, currently to replace high-value municipal waste streams with landscape material. Landscape material is -- it's cheaper to compost it than it is to actually add it to your landfill because of tipping fees today. So I think we're protected from two ends; number one, under regulation of the operating permit; and number two, the market today would not dictate that you put leaves and grass clippings in a -- in a landfill, because it's a less valuable trash.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Further discussion? Senator Welch.

SENATOR WELCH:

Well, I'm not sure I understand what the point of this bill is. Now, when we separated landscape waste from regular garbage, there was a purpose. One of the purposes was the -- the landscape waste is more biodegradable than regular garbage. You could put it -- mix it with dirt; it will turn into soil eventually. That was the whole idea. The idea of the cover on the landfill was not just to put dirt on so it looks nice; the idea was to keep the garbage from blowing around. What you want to do is shred leaves and grass, throw them on top of a heap of garbage. They're going to start decomposing. They're going to stink to high heaven. They're going to be blowing all around. They will blow off as cover. The current cover requirement is, what, four inches on top of a landfill? You know -- you know, looking at the supporters of this bill, with Browning Ferris, National Solid Waste Management Association, IML - somehow the Environmental Council got on there; that doesn't surprise me anymore - but this makes no sense. The whole point was to keep the garbage from blowing, to keep it from stinking. And what you've done, you've added an extra layer of -- of decomposing material on top of it. This does exactly the opposite of what you want to do, and, Senator Rauschenberger, what you're doing is probably devaluing the value of your house because the smell around that area of the landfill is going to be terrible. Can you respond to what you think is going to be the saving grace of this proposal?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Welch, I almost don't know where to begin. I don't purport to be the Senate's only expert on landfills. As a matter of fact, I'm probably not much of an expert at all, but I -- I

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know what landfills smell like and they -- adding three or four inches of yard waste as an average -- as a daily cover is not going to make them smell worse, I can -- at least in my experience, I can guarantee you that to be true. The idea of adding a decomposing -- you know, decomposing waste stream to a landfill is -- will accelerate the decomposition in the rest of the landfill, which is generally perceived to be good. As I say, they do this in other states. We wouldn't need a bill at all if we hadn't have passed a strict prohibition on any landscape waste going into landfills. I -- I certainly -- you know, I'm not twisting your arm. I -- you know, if you -- if you don't buy into where the Environmental Council is coming from these days -- you know, maybe if this is a bad bill, you guys all ought to vote against it. I don't think it's a bad bill. I think it actually reduces odors. I think it's a logical thing. It's been done in other states successfully, and that's why I think the Environmental Council is supportive of it, not because they think they're going to divert two percent of the yard waste.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

What I've got here is, they do it in California. So what? You know, let California do what they want to do. I'm sure there's a problem there with getting soil. What you've got here -- you can't tell me that putting dirt on top of the landfill doesn't contain the smell. If you've been to a landfill, you'll end up with a headache from walking around in one of those darned things. If you put the soil on top of it, it helps a great deal. What you want to do is, instead of putting soil on there, putting grass and leaves that have been mulched, and when it rains, they smell even worse. If you've ever mowed your lawn and left the grass sitting around while you're down here for a week and go

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back, you know, it really stinks when you've got to put it out by the curb. This is what you're going to have every, single day. I think you're making a big mistake here. I think you're opening up the idea of -- of splitting biodegradable waste that is from -- from grass and other clippings to a point where you're mixing them together. And we're going back to the -- the original proposal of throwing landscape waste in with garbage. It doesn't speed up the -- the biodegradability process at all. The dirt will help it biodegrade, not the grass and the -- and the leaves. That's a absurd argument. What it is it's -- I don't know what the hell it is, frankly. I'm not sure what the point of this is, but -- but it's a bad idea, whatever it is. I urge you to vote No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Yeah. I don't know if I want to follow that act or not. Mr. President, Ladies and Gentlemen of the Senate, would the Senator yield for question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Jacobs.

SENATOR JACOBS:

Senator, I have -- I just have one simple question, 'cause in committee I -- I voted for this and it come to me afterwards and I didn't get to ask the question then, but I do want to ask it now. Normally, whenever we dispose of our -- our yard waste, whether it be shredded or whether it be unshredded, we have to pay to dispose of that. So are we going to, in effect, be subsidizing the landfill operators? Are they going to charge the people for the yard waste, shred it, and then use it for top soil? If that's the case, then we're -- we're saving these landfill operators a tremendous amount of money, because dirt's more expensive than a product that you're going to have to pay -- that they're going to

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-- people are going to pay to give you. So I guess the question is: Will we be paying those landfill operators a subsidy by charging the -- for the yard waste? Can you respond to...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I'm not exactly sure how to answer that, because this bill permits them to use yard waste as an average daily -- or, as a daily cover. It doesn't tell them where they will obtain their landscape waste. So, absent that knowledge, I can't tell you whether they can obtain landscape waste and make money off of hauling it. I would tell you that -- that using landscape waste as a -- as an average daily -- as a daily cover is less expensive than -- than what they're currently using as a practice.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

As I understand it, Senator, we currently have a -- separate yard waste facilities. What is to stop the operator, then, from saying, "We will apply for a permit", because we're going to allow them to use that for limited amount of yard waste, and "We're going to charge you for bringing the yard waste, and then we're going to turn around and use it for cover"? To me it seems like a double whammy on the citizenry, number one, and number two, it appears that it really is beneficial to the -- the landfill operator.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Fawell.

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SENATOR FAWELL:

Is -- is it purported that this yard waste will help the decomposition of the material underneath it? Is that one of the purposes?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, what I would tell you is, today in -- in the practices we use, where you take a landfill and you -- you compress the garbage and then you cover it with clay and then you tamp it down and recompress, we are -- what's happening is we're getting anaerobic breakdown. It's actually a -- a bacterial breakdown without oxygen. The by-product of that anaerobic breakdown is poisonous. Those are toxins. That's why we line landfills and clay line them and put thick plastic around them. If you add landscape waste, you increase the amount of oxygen for the breakdown and the breakdown becomes aerobic. Your problems are far less. It's a less toxic way for you to encourage breakdown. So I guess I would argue, yes, it improves decomposition. It doesn't -- it doesn't speed decomposition, but it changes the character of the decomposition in a way that environmentalists support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell.

SENATOR FAWELL:

A few -- to the bill, then: A few years ago I went to a meeting that was down in Chicago held by the Council of State Legislators, and there was a gentleman down there by the name of Dr. Rathje, who was speaking about landfills. He calls himself a "garbologist". He is a professor at the University of Arizona. And what he has done is he has been going throughout the United States and drilling down into the landfills to find out exactly

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what is happening. And what Senator Rauschenberger is saying is presently happening is, indeed, true. What they have found is we are not decomposing our garbage; we are petrifying it. He had, for instance, heads of cabbages that were like -- literally like a rock. He brought up newspapers back from 1952 that could be read as plainly as today's newspaper. I will tell you one thing he found -- he did not find: He didn't find any National Geographics. He is convinced someplace in this country somebody is storing all past National Geographics in their garage and they shall someday be unearthed by some archaeologist in the far future, and -- and be worshiped as a God or something. But we are not doing what we think we are doing with these landfills. They are not decomposing. And, in fact, the reason why the Council of State Legislators brought him to this meeting was to tell us it is time we started changing the composition of our landfills, because they're not working the way we thought they were going to work. If, indeed, this can help decompose the material, then I think this is an excellent bill and certainly a -- a start in the right direction. And I would...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hendon.

SENATOR HENDON:

Senator Rauschenberger, the -- this compost waste is said to be put there on a daily basis as a daily cover. Is it going to be scraped off the top at the end of each -- each day, or what -- what -- how does that process work?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

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SENATOR RAUSCHENBERGER:

Senator, instead of covering the landfill with either a layer of clay or soil, or covering with a tarp and tires, they would spread landscape waste on top and probably secure that with tires or -- or some weighting material, and then it would be machined back into the landfill the next morning. You -- you wouldn't be saving wet, old grass clippings, 'cause of Senator Welch's concern. It would be actually fresh daily cover each day that they use. It would be like -- the same effect of spreading straw. But there's no sense taking commercially useful straw. They would be using grass clippings and -- and landscape waste.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

My final question is: Then after it's scraped back off the top, what do they do with it?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

No, I'm sorry. Maybe I didn't say that clearly. They don't scrape it back off the top. Actually, they would -- they would machine it under. It would be mixed in with the next day's refuse.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Could you please define what -- what you mean by landfill waste?

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Do you want me to define landscape waste or landfill waste?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Landscape waste.

SENATOR RAUSCHENBERGER:

Well, the landscape waste that I think they're contemplating using are grass clippings and -- and leaves.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I rise to speak in favor of the bill. I live near a landfill. Browning Ferris has one. And to my esteemed colleague on the other side, if you think the grass is going to make the landfill smell worse, you're way out of your tree on it. It smells better with the grass clippings and so forth on top of it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Yes. Thank you, Mr. Chairman and Members of the Senate. I think this thing's got blown completely out of proportion. You know, all he's talking about doing is putting some grass clippings or leaves for overnight to keep stuff from blowing. And the next day they just put more refuse right on top of it, and that way it's a lot cheaper than -- than using sand or limestone or something of that nature. I don't see anything wrong with this. There's not going to be any smell, 'cause you just leave it on there overnight, then you cover it over again.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Rauschenberger, to close.

SENATOR RAUSCHENBERGER:

Well, I want to thank everybody for kind of giving me a workout to prepare me for the budget bill, but let me real, real briefly go back. This -- this -- you know, you need to vote your conscience on this one. But what -- what you have is the landfill operators would like permission to use landscape waste as daily cover on top of their landfills. The IEPA is in support of the bill. It's being done in other states successfully. The Environmental Council is in support of the bill. No one has a major problem with it. I would have to, respectfully, disagree with Senator Welch. One-day-old grass clippings do not smell worse than what goes on in the landfills by me. Maybe he has cleaner landfills where he is. Actually the chlorophyll helps retard the smell. The fact that you're adding an oxygenator is positive to the breakdown of the refuse, and I would just urge you to reach deep and do the right thing.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 1411 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 40 Ayes, 11 Nays, and 2 voting Present. And House Bill 1411, having received the required constitutional majority, is declared passed. Senator Carroll, what purpose do you rise?

SENATOR CARROLL:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR CARROLL:

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In the gallery behind me is a group of elementary school students who are here for the history fair. It happens to be the school that is -- of which I am an alum, as is Senator Art Berman. If we can have the students from Clinton School stand and be recognized by the Senate.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests please rise and recognized? Welcome to Springfield. If you turn the Calendars to the top of page 9, in the Order of House Bills 3rd Reading. House Bill 1428. Senator Berman. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1428.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Berman.

SENATOR BERMAN:

Thank you -- thank you, Mr. President. I wanted to also greet my fellow alumnae, or soon to be alumnae from my alma mater, Clinton School, also. House Bill 1428 prohibits insurers from imposing unreasonable limits on the amounts covered for paint and material under auto insurance claims. This is to protect the people that buy collision insurance so that they get proper repairs under their coverage. Be glad to respond to any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1428 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 57 Ayes, no Nays, none voting Present. And House Bill 1428, having received the required

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constitutional majority, is declared passed. House Bill 1450.
Senator Rauschenberger. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1450.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Hopefully this is a little less controversial than my last bill. This is the bond authorization for the Illinois Development Finance Authority. We have taken -- we've struck the effective date to send this to the House. We -- going to want to position this for conference. These are bonds that are not general obligation bonds. They're -- they're agency bonds that are used to consolidate municipal debt and other things, the Illinois Development Finance Authority. I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1450 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 59 Ayes, no Nays, none voting Present, and House Bill 1450, having received the required constitutional majority, is declared passed. House Bill 1457. Senator Geo-Karis. Senator Geo-Karis. House Bill 1485. Senator Bomke. House Bill 1486. Senator Trotter. Senator Trotter. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1486.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. House Bill 1486 creates a new Act, the Alzheimer's Special Care Disclosure Act, and it requires health care facilities offering specialized care in the treatment of Alzheimer's disease to fully inform the public regarding the facility and the programs of care. Some of the things that we're asking for in disclosure is the type and the form of care of treatment, the philosophy of the facility, the facility's admission. It also creates some kind of penalties. Five hundred dollars for the first offense for not giving disclosure and a thousand for the second. And I would like for its immediate passage.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1486 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 59 Ayes, no Nays, none voting Present. And House Bill 1486, having received the required constitutional majority, is declared passed. 1493. Senator Rauschenberger. House Bill 1500. Senator Butler. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1500.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

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SENATOR BUTLER:

Thank you very much, Mr. President. Ladies and Gentlemen, I have to fall back on Senator Petka's penetrating comment when he called some of the things we do will have unintended consequences, and I think that's a good description of what has happened to some of the measures we've asked circuit court clerks to perform for us. It seems to me that just about every Session of the General Assembly I can remember we've directed county {sic} clerks to collect and/or disburse new revenue from the State. As a matter of fact, I learned that in the last ten years, we've asked the county {sic} clerks to perform a hundred and seventeen added duties they never had before. Back in the mid eighties, we began to develop a pattern of reliance on county {sic} clerks and we decided then to award them a stipend of -- a stipend of thirty-five hundred dollars. That's a rather modest amount when we consider that county clerks and treasurers receive a -- a State stipend each year of five thousand dollars. So this bill is intended to increase the stipend to court clerks by a thousand dollars for each of the next three consecutive years. I think they deserve this increased award. They have -- we've asked them to do more and more work on our behalf. They've helped us in creating certain administrative codes, and I think we -- we do, indeed, owe this to these fine ladies and gentlemen. So I'd appreciate your joining me in approving House Bill 1500.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1500 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 54 Ayes, 3 Nays, none voting Present. And House Bill 1500, having received the required constitutional majority, is declared passed. House Bill 1525.

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Senator Luechtefeld. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1525.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President and Members of the Senate. House Bill 1525 allows the fifty-percent tuition waivers for children of higher education employees to be used at any public university, rather than the university where the parents work. In order to earn this fifty-percent undergraduate tuition waiver, students must be the children of employees who have worked at the university for at least seven years, be under twenty-five years of age, and meet the normal admission requirements. I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any 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 DUDYCZ)

Sponsor indicates he will yield. Senator Jacobs.

SENATOR JACOBS:

Senator, could you take me back just a little bit? I know you weren't here at the time, but whenever we allowed for the university personnel to have their kids go to school it was because they worked at that university, and to allow them to go on to school, we allowed them to go to that university. Why, then, do we want to now say -- I think what we're doing is -- is expanding it, and what we're now saying is, because you are a

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college professor or you -- or you're an employee of a university that we're going to send your kid to college. That wasn't the -- the situation before. Why do we want to expand this to where now they can go to any college, rather than to ensure that if it's good enough for their parent to work there, then it should be good enough for their kid to go to school there? Why are we expanding this?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Well, Senator, I think this gives them some flexibility. Quite often there are programs at other universities that one university may not have that maybe a student would like to go and -- and follow, with regard to certain programs. This gives them that flexibility to do that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

Well, why, then, don't we allow the public school teachers in the State the same privilege, as well as city employees, other State employees, to say that we are going to pay for half of your child's education? You know, it brings us back to the original argument of whether we should do it in the first place; number one, because they contract with their -- their universities for the benefits they get. Now, this is a State-imposed benefit that they get, and it's only the universities and, to me, it enters into the negotiations of contracts, et cetera. And I just -- I'm not sure if I'm opposed to -- to just the movement. I'm not sure if my -- my question really doesn't, in my own mind, revolve back to why are we doing this in the first place. And I know it was one of the...

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Jacobs, I beg your pardon. Can we hold the discussions down?

SENATOR JACOBS:

That's all right. I just -- just -- it's a rhetorical question. Doesn't need an answer. It's just one I'm thinking out loud.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs, you deserve the courtesy of having the Members listen to your debate, and I would ask the Members to keep their voices down so that your colleagues can hear what's going on. Thank you. Any further discussion? Senator Carroll.

SENATOR CARROLL:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Carroll.

SENATOR CARROLL:

Senator Luechtefeld, do you -- can you give us a figure now? How much does the State lose in tuition payments currently by university employees who -- for whom tuition is waived in their universities?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, I -- I don't really have a figure on that. I do have a figure that the first-year estimated cost would be approximately one hundred and thirty-one thousand dollars for each additional one hundred students. As far as what it actually costs -- this -- the cost of this is borne by the university itself. Each of them simply add that to the -- to their -- their costs.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Carroll.

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SENATOR CARROLL:

I hate to say this, Senator Luechtefeld, but if you believe that, you haven't been here long enough. Each of these universities come to us for their budget, and they show how much they've waived in tuition and therefore need more State dollars to make the -- the institution run in an effective manner. And I don't remember the exact number. I thought it was somewhere between fifty and eighty million dollars of tuition waivers they are currently enjoying, which is like twenty times that which the General Assembly has a tuition waiver for, and I think I agree with a prior speaker that says enough is enough. I mean, it's costing all the taxpayers of the State as a benefit for those people who happen to work in one State university to get a waiver of tuition at that university where the person works. And the people of my district are paying for your employees to be able to waive the tuition, and you're paying -- your people in your district are paying for the ones in mine. And that's a -- a multi-thousand-dollar fringe benefit to those employees. To now say that they can go anywhere else, for no reason, I don't think we should be doing. I don't think we can afford it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Collins.

SENATOR COLLINS:

Senator, I was concerned about the questions that Senator Carroll just asked, and I -- I asked these questions in committee, but I'm not satisfied with the answer you gave him in terms of the overall figure that -- that these total waivers add up to be. But I'd like to know if there is a cutoff point. Let's just

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presuppose that of seventy percent or sixty percent of the waivers -- total waivers for any given year or semester went to one university. Would that particular university have to accept the waiver students first, or how does it work? I mean, is there a limit of how many waiver students can be accepted in each university at the same time -- I mean, at the -- during the same semester and whether or not the students or faculty of that particular university's children have first priority of going to that particular university?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, I know -- I have no -- I have no -- know of no regulations with regard to that. I think that there would be a rather good balance as to where these people go. The universities themselves do -- do not seem -- it does not seem to bother them. For instance, I understand the University of Illinois used to oppose this. They no longer do that. I think there will be a balance as to where these -- where these students go. I know of no language that would, you know, put one in from of the other, or -- or that sort of thing.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I think we forget that we give millions of dollars in scholarships for athletes that are in Senator Carroll's area perhaps, and everyone else's area, and I don't think this is too bad. That's why I always supported having the legislative scholarships, which would make only about four million dollars out of a hundred and three million dollars that are given out in other scholarships. So I don't think this is bad. I understand that the State Board of --

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Board of Higher Education is for it. The AFSCME is for it. The IEA is for it. The IFT is for it. And I think it's worthwhile supporting it, and I rise for...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Thomas Walsh.

SENATOR T. WALSH:

Thank you, Mr. President. Well, I guess I just don't see where this is going to cost any more money, and I stand in support also. I -- if the Senator would yield. These -- these kids that would be allowed to go to other universities, they could go to the university that the parent worked at and get that waiver right away anyway. Couldn't they?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Yes, they could.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR T. WALSH:

So -- yeah, I just don't -- I don't understand. It would seem to me that it -- it wouldn't cost anymore if that student just went to another university, and I think it just gives them more options. If you want to take a look at the whole issue of tuition waivers, we ought to do that, but all this is doing is it's giving the children of parents that work at our universities more options and I don't think it's a bad idea, and I stand in support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR LUECHTEFELD:

Well, first of all, I -- I was not a Member of this Body when -- when these tuition waivers were granted. Whether that was a

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good idea or not, I -- as Senator Walsh said, I think that, you know, we can at some time look at -- at the overall problem with the -- with the waivers on tuition. This does give you some more flexibility, I think. The amount of money is probably not that great. It's just that it will be spread around at different universities, and I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The House -- the -- the question is, shall House Bill 1525 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 47 Ayes, 6 Nays, 6 voting Present. And House Bill 1525, having received the required constitutional majority, is declared passed. House Bill 1550. Senator Jones. House Bill 1577. Senator Thomas Walsh. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1577.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

I beg your pardon for one moment. Senator Larry Walsh -- Lawrence Walsh, what purpose do you rise?

SENATOR L. WALSH:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR L. WALSH:

Mr. President and colleagues, Ladies and Gentlemen of the Senate, it's my honor today to have my daughter with me. She is sitting here with me today. She -- she has just finished her third year of college on the honor roll at St. Frances in -- in Joliet and she also brought with her some of her friends, the

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movers and shakers from the bustling town of Symerton, who are located in the President's Gallery. I would like to have them rise and be recognized.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests in the gallery please rise and be recognized? And Senator Walsh's daughter, also. Welcome to Springfield. Senator Thomas Walsh.

SENATOR T. WALSH:

Thank you, Mr. President. It's -- that's another first. There's a Walsh on the honor roll. That's good to see, also. House Bill 1577 amends the Fairness in Lending Act in a Section relating to the redemption of repossessed motor vehicles and the Motor Vehicle Retail Installment (Sales) Act in the Sections. I know of no -- no opposition. It passed the House overwhelmingly.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 1577 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 58 Ayes, no Nays, none voting Present. And House Bill 1577, having received the required constitutional majority, is declared passed. House Bill 1628. Senator Shadid. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1628.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shadid.

SENATOR SHADID:

Thank you, Mr. President. House Bill 1628 is regarding -- Illinois Wildlife Prairie Park, which is located in Peoria County,

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and it's a park of two thousand acres, and the animals are in their own habitat. And what this does, it makes permissive the requirement that the State accept a deed from the Wildlife Prairie Park. It also makes permissive the requirement that the commission contact -- contract or lease for the management of the park. What this does, the owner and founder of the park, Mr. Rutherford, the park is now presently run by Forest Park Foundation and they want to make this as a gift to the State. So I would appreciate a favorable roll call on this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I rise in support of House Bill 1628. The park really is a valuable resource and treasure to the State of Illinois. We'd like to thank Lieutenant Governor Bob Kustra for his leadership in helping putting this bill together, and in -- to help ensure that this park will remain a viable park for decades to come, and I would encourage an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall House Bill 1628 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 59 Ayes, no Nays, none voting Present. And House Bill 1628, having received the required constitutional majority, is declared passed. House Bill 1633. Senator Syverson. House Bill 1641. Senator O'Malley. Senator O'Malley. Madam Secretary, Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned: Refer to Environment and Energy Committee - Senate Amendment No. 2 to

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House Bill 1147, Motion to Concur with House Amendment No. 1 to Senate Bill 431; refer to Executive Committee - Senate Resolutions 61, 68, 71, 72, 73, and Senate Joint Resolutions 24, 31, 34, 35 and 38; refer to Financial Institutions Committee - Senate Amendment No. 2 to House Bill 922, Motion to Concur with House Amendments 1 and 2 to Senate Bill 805; refer to Judiciary Committee - Senate Amendment No. 2 to House Bill 70, Senate Amendment No. 2 to House Bill 172, Motions to Concur with House Amendment 1 to Senate Bill -- pardon me, 112, House Amendment No. 1 to Senate Bill 113, and House Amendment No. 1 to Senate Bill 587; refer to Licensed Activities Committee - Motions to Concur with House Amendment No. 1 to Senate Bill 248, House Amendment No. 1 to Senate Bill 331, House Amendments 1 and 2 to Senate Bill 857, and House Amendment No. 1 to Senate Bill 1084; refer to Public Health and Welfare Committee - Motions to Concur with House Amendment No. 1 to Senate Bill 327, House Amendment No. 1 to Senate Bill 956, and House Amendment No. 1 to Senate Bill 1030; refer to Revenue Committee - Motion to Concur with House Amendments 1 and 2 to Senate Bill 804; refer to State Government Operations Committee - Motions to Concur with House Amendment No. 1 to Senate Bill 500; and Be Approved for Consideration - Senate Amendment No. 2 to House Bill 1651.

PRESIDING OFFICER: (SENATOR DUDYCZ)

On the bottom of page 9 in the Order of House Bills 3rd Reading is House Bill 1651. Senator Cronin, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Cronin seeks leave of the Body to return House Bill 1651 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 1651. Madam Secretary, are there any Floor amendments that have been approved for consideration?

ACTING SECRETARY HAWKER:

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Amendment No. 2, offered by Senator Cronin.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. Amendment 2 simply adds an immediate effective date to this bill. Ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR DeLEO:

Thank you, Mr. President. I'd ask for a Democratic Caucus, immediately, in Senator Jones' Office. It will take approximately thirty minutes, till the hour or 2 o'clock.

PRESIDING OFFICER: (SENATOR DUDYCZ)

That request in in order. Senator Karpiel, what purpose do you rise?

SENATOR KARPIEL:

Thank you, Mr. President. To announce a Republican Caucus in Senator Philip's Office, immediately upon recess.

PRESIDING OFFICER: (SENATOR DUDYCZ)

A Republican Caucus in the -- Senate Philip's Office -- Senator Philip's Office. Democratic Caucus in Senator Jones' Office, immediately. When we return at the hour of 2, we will begin with House Bill 1668, on the top of page 10, in the Order of House Bills 3rd Reading.

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(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDENT PHILIP:

The Senate will come to order. We -- we've had a request for Channel 66 to videotape the proceedings. Is leave granted? Leave is granted. On the bottom of page 21, on today's Calendar. Report of Election Contest. There are two items of business: the Report of the Senate Special Committee on Election Contests with regards to the Legislative District 24, and a Report with regards to Legislative District 58. The two reports adopted by the Committee were distributed to the Membership. Pursuant to Senate Rules, the Minority Report, which was filed yesterday, was distributed along with the Committee Report. The Senate will now consider Committee Reports with regard to Legislative District 24 and Legislative District 58. Mr. Secretary.

SECRETARY HARRY:

Report of Senate Special Committee on Election Contests, 24th District.

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move that the Senate adopt the Majority Report of the Special Election Committee on Election Contests for the 24th Legislative District and the 58th Legislative District. The Committee has filed a Majority Report, based upon an extensive record heard by the Committee, and it's also filed a Minority Report. As you can see, up by the Secretary of the Senate's desk is a large white box that contains the official record of our Committee, which met on

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numerous occasions. But in that large box, is a complete record. The Minority Report which was filed, Mr. President, dwells on an allegation that the challengers were somehow denied, quote, "due process of law", end quote. Let me tell you that the Senate approved rules last January, including our standing Rules 11-4 and 11-5, which provide the guidelines that my Committee - Senator Petka and Senator Watson, Senator Clayborne and Senator Cullerton - followed. And Senate rules that we adopted in January mirrored the House of Representative rules from the famous case of Weller versus Christensen about a decade ago, with one notable exception: that no attorneys' fees will be paid by the State of Illinois. And I proudly, Mr. President, claim and estimate that we've probably saved the taxpayers, by that change in our rule compared to the House of Representatives rule a decade ago, over one hundred thousand dollars of taxpayer money. But back to regards of the issue of due process, which is extremely important in a functioning government, I would note that Black's Law Dictionary, the lawyer's bible, defines due process as follows: In Black's Law Dictionary they say due process is -- the fundamental requisite of due process is the opportunity to be heard. Let me tell you, we had full attendance at all -- every Committee hearing of all of the Members, and there was counsel present for all of the contestants and the respondents. Black's also says that due process has to -- you have to make and be made aware that a matter is pending. Our Committee complied with the general Senate rules of notice, including all six-day posting requirements. It also says in Black's you have to make an informed choice whether to acquiesce or to contest. And I would say that the petitioner's counsel appeared and filed a written response to every motion filed by Christine Radogno and David Luechtefeld. And they also had the right, the contestants did, to assert before the appropriate decision-making body the reasons for such a choice,

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and again, each lawyer was granted as much time as requested during the course of our hearings. And Black's continues to go on on talking about due process, and it says, "The essential elements of due process of law are notice and an opportunity to be heard...", and again, we had full attendance and compliance with our six-day posting requirement, "...and to defend in an orderly proceeding..." the "...adapted..." -- and adapt "...to the nature of the case,...". By following the general Senate rules regarding the conduct of election contests and generally following the motion practice contained in the Illinois Code of Civil Procedure, I believe that the contestants clearly had the ability to defend and prosecute their case in the election contests in the 24th and 58th Districts. They also had the guarantees of due process, and it requires that every man or woman have protection of a day in court and the benefit of general law. Let me tell you, Mr. President and Ladies and Gentlemen, the petitioners were heard, the respondents were heard, and we had the benefit of case law and as well as the law of the General Assembly, and we clearly complied with due process of law. The contestants took two and a half months to file their election contests, and the respondents took two months to answer the points raised in the contest petitions. Counsel for the contestants agreed to reply to the respondents, just recently, within ten days and, in fact, filed an answer on the things that are before us here - the motions to dismiss and the Committee Report - on the night before the hearing, and they actually, in essence, had over two weeks to respond. The motions were filed -- that were filed were responded to, and both sides argued their positions before the Committee a week ago. Probably our hearing lasted, Mr. President, four to four and a half hours in length. The Majority Report focused on facts brought forth by both sides. The Minority Report would have us blindly adopt as true the allegations in the election contest

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petitions. And upon review, we have found -- our committee has found the election contest petition of both -- both contestants were fraught with untruths and allegations of illegal voters. Let me just very quickly, and we have in the back of the Chamber, for any of you who want to stroll over and look at it, we have a number of just example exhibits of the kinds of allegations that were made on both of the parts of Mrs. Kenney and Mrs. Brown in their challenges to Senator Radogno and Senator Luechtefeld. You can -- more than -- you're more than welcome to come back here, but let me just show you a couple of these examples. And I would say if there's members of the media here or any of you, this pile right here that's on Senator Weaver's desk, which is nearly two feet, are affidavits and additional parts of the record, in addition to that which is in that box. And I, as the Chairman of this Committee, have had the pleasure, if you want to call it that, of looking through, perusing and reading all of these extensive affidavits and materials that were filed in the election contest. Just a few examples so that you understand the kind of challenges that either Mrs. Brown or Mrs. Kenney made to -- to the two seated Senators here -- and I would point out and remind you that both Dave Luechtefeld and Chris Radogno were certified to this Body that they were the winners, by the State Board of Election, in last November's election. So they came to us, from the State Board of Election, the certified winners. First, Barbara Brown: This is one type of example where she has challenged the -- the right of a citizen to vote, and she challenges this first woman by saying that she has -- she's changed her middle name or uses no middle name initial on an application for ballot. But anybody - anybody - including some of the overzealous campaigns workers, I believe, of challenger Barbara Brown should see that these signatures of Patricia Rensing - she signs first as Patricia Ann Rensing and later as Patricia

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Rensing - these signatures are identical, and this is clearly a spurious challenge to a legal citizen who took time from her life to go and vote down in southern Illinois and cast a ballot for either Dave Luechtefeld or Barbara Brown. Another kind of challenge, and this one very much upsets me: This is a challenged signature, and if you can see, the voter's registration card has a little scrawl for a signature, and then it has a scrawl on the application for ballot. This signature was challenged by Mrs. Brown even though, clearly, on the application for an absentee ballot, the person rights down that she has multiple sclerosis. Clearly, I think, a person with multiple sclerosis, if you put two and two together, obviously has, God bless 'em, an inability to clearly write their name, but this person with multiple sclerosis was trying to be challenged by Mrs. Brown. Another example, from southern Illinois, the last one that I will just use of clearly hundreds that are here: Mrs. Brown, in Jackson County, Somerset 2 Precinct, challenges this person, an Anna Agnes -- looks like -- Clayton or Clough -- Anna Agnes Clough. And Mrs. Clough, and actually her signatures, if you want to come and look, are pretty -- pretty similar, to my eye, but Mrs. Clough, importantly, will be ninety-nine years old on September 11th. And I just think in this day and age when we are having trouble getting people to the polls, these kind of spurious challenges, trying to say somebody who has multiple sclerosis or somebody who will be ninety-nine years old in a couple of months did not somehow properly cast a ballot, our Committee just dismissed, and we did it with affidavits and proof as well. But these are just a couple of examples. Let me use two examples from the Christine Radogno challenge. In -- in Senator Radogno's race, Mrs. Kenney, the challenger, in Lyons 9 Precinct, challenged a gentleman who signed his name Mark Silver. He signs it Mark Silver up here; he signs it Mark Silver down below on his certificate of being a registered

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voter or his application for a ballot. The signatures, I can tell you -- you probably can't see them, but they're almost identical, except for one thing: The second time Mark Silver signed his name, he put the initials M.D., for medical doctor, after his name. I will say that Mark Silver was a supporter of Christine Radogno. That's probably why they challenged his name, but they clearly challenged him because he signed his signature one time with M.D., like a medical doctor, after it. But the signatures, I can tell you, are identical. And then lastly, just to show you and give you a flavor for the kinds of challenges that were made, here is a signature challenge from Lyons 9 Precinct up in Cook County, and the name on this particular card or voter is a Nunzio Radogno. He signs his name Nunzio Radogno up here; he signs it Nunzio Radogno on his application for ballot. And oh, yes, this is the husband of Senator Christine Radogno. So those are just five glaring examples of the kind of quality of challenge that there was here. If anybody wants to torture themselves, they're more than willing to go through all of these affidavits and materials that were here. I guess just to kind of close, Mr. President, I have a couple of other things that I believe we need to put on the record. And even more telling than going through these examples was Barbara Brown's lawyer's withdrawal of allegations concerning, quote, "bad addresses", end quote, in the 58th race. This was after he presented the Committee with affidavits from county clerks attesting to the addresses and registration status of the challenged voters. He withdrew them. There's a mountain of evidence, as I've said, that this disproves the allegations made by the petitioners. Neither of the petitioners even came close in reaching the statutory threshold needed to go to a full recount. With regards to the Minority Report that is filed, I am compelled to make just a couple of comments. As to the allegations there was no due process, I

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respectfully suggest that our rules and the manner in which we have conducted this process has provided the petitioners and respondents with a enormous degree of protection. As I told our Committee upon its adjournment, I believe that I have bent over backwards to be fair. Excessive notice, lengthy hearings, the court-reported testimony and arguments of counsel, the exhaustive filing of motions, they all stand as a testament to the commitment we've made in the State Senate of assuring due process to the contestants before our Committee. And the Minority Report goes on to allege that evidence from their witnesses were excluded by me, the Chairman of that Committee. That is not true. The affidavits filed by the petitioners, on behalf of their witnesses, were accepted as part of the record and accepted on the same footing as any other affidavit that was put before our Committee. Next, the Minority Report asserts that simply filing a petition without any review of its sufficiency, somehow automatically guarantees Mrs. Kenney or Mrs. Brown the right to a full recount. We do not believe that this is the law in any forum, much less the State Senate or the General Assembly. The petitioners have failed to meet the well-established threshold to go forward with a full recount. The Minority Report further alleges that affidavits are invalid on their face. Our review of the affidavits finds them to be clear statements of the validity of the each affiant voter, properly and legally notarized. We would not, and do not, want to have inconvenienced hundreds of legal voters by pulling them to Springfield, or some other place in Illinois, for a full recount. There's a humorous argument contained in the Minority Report, if you've looked at it, that calculations used to show that the petitioner failed to meet the threshold are hypothetically and easily dismissed. The numbers used to establish that, even giving the petitioners every benefit of the doubt, they still failed to hit the mark. And the weight given to the handwriting expert that

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we used for our particular Committee was adequately dealt with in the Majority Report, and I believe we should accept his findings. And even without the handwriting expert's evidence, we could, and did, independently review these signatures ourselves. And finally, as to the allegations against the affidavits of various county clerks and Election Commission officials, we find that they do, in fact, contain statements of fact which bear directly on whether the petitioner could have achieved their thresholds. The statements were made under perjury -- or, penalty of perjury and legally notarized. So taken in all, the Minority Report sheds little on our Committee's deliberation. Again, there's a mountain of evidence that disproves the allegations made by the petitioners. Neither of these petitioners even came close to reaching the statutory threshold allowing them to use taxpayer money and time to go to a full recount. I'd be happy to answer any questions that anybody has, Mr. President, and let me assure you, once again, we did our job well, we did it thoroughly, and we complied with all tenets of due process of law.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. I, obviously, rise to oppose the adoption of the Committee Report. Let me just say initially to Senator Luechtefeld and Senator Radogno, that I personally have great respect for the fact that you went through a very tough campaign and -- and, obviously, a very, very close election and that you sit here as my colleague and you serve your district. And by opposing this Report, we just want to basically say that we don't say that you didn't win your election; we say we don't know if you won your election. Now there are two types of election contest. If we -- any one of us in this room were unfortunate enough to be involved in a real

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tough primary and it was a real close election and there was an election contest, we would be having one type of an election contest that would occur in front of a judge, and the other type of contest is the one we're involved with here, where there's a contest in a general election, where the -- the judges, if you will, are ourselves, decided by the Legislative Body. And I actually have served on two of these now. When I was in the House, I served on the committee that conducted the recount in the Weller versus Christensen race. And I can tell you that, in my opinion, this is not a very, really, good way to decide these election contests, because, obviously, we are political animals here voting on whether or not to unseat one of our colleagues and it's a very difficult thing to do. Now, both types of these recounts start with discovery recounts, and not everybody is entitled to this. You have to come within ninety-five percent of the votes cast. But if you -- if you come that close you, pick twenty-five percent of the precincts and you start with a discovery recount, and you get your volunteers that helped you in the campaign to go through all of the voluminous records, to come up with any apparent discrepancies, to see if there's any irregularities. And there's different categories of these. There's uninitialed ballots. There's different addresses on the voter's ballot applications than on voter's registration card. There's signatures that don't appear to match, and you -- you make a -- you tabulate those. And you put together -- if you -- if you feel there's enough discrepancies that would change the outcome of the race, you file, as was done here, an intent to contest the contest. And I would point out that, under the rules in both -- both types of contests, you have to allege everything up front; otherwise, you can't go back and -- and raise them. So that's what happened in this case. Now, if this was a contest in court, say if one of us had a primary, it'd be in front of a judge and

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certain procedural rules would be followed. You also, by the way, would, of course, have the advantage of using case law. If there was any Supreme Court cases on point, you would follow those. You would then -- if you convinced the judge through your pleadings that you -- you are entitled to a recount, you would have a full recount; that is, you'd go and open up the rest of the ballots and you'd see what was in there. Now, this stage, if it was in front of a judge, is not a trial. The -- the way it basically works, in layman's terms, is you're supposed to be able to show facts, not just make it up, but show facts - show that there was a different address; show that the -- that there were uninitialed ballots - and once you do that, if you've got enough to change the outcome, the judge automatically orders a full recount. Now, it's later, at a trial, that you'd decide whether or not there's an explanation for these discrepancies that appeared the first time you -- you looked at them. Now, in this election contest though, the Republican Majority didn't give a full recount. Senator Dillard mentioned that we adopted the rules of the Weller versus Christensen case with one notable exception: We didn't pay for the attorneys' fees. Well, there were a couple of other notable exceptions. In the Weller versus Christensen case, we put right in the rules, both sides were entitled to a full recount. And I even offered that amendment to the Committee, and that was turned down. So that's a very notable exception. In the Weller versus Christensen rules, we said you should take into account Supreme Court cases. I offered an amendment to do that. That was rejected. So, we didn't just copy their rules. We -- you -- you guys went through the rules and the part that you didn't like, like guaranteeing a full recount, you just took that out. Okay? So I -- I think it's worth noting. Now, the Committee said that before there would be a full recount -- before a full recount would be granted, that we had to prove we were entitled to a

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recount, rather than just allege that we were entitled to a recount. And that is really the difference between what would happen in a -- in a court of law and what -- what is happening here. So rather than follow what -- what I believe would be due process, that is to say that we're going to follow the same rules that a court would, we decided -- the majority of this Committee decided to have like a mini-trial on twenty-five percent of the ballots, while those seventy-five percent are still uncounted, no one's looked at them. And that is the crux of the denial of due process here. So this little half-trial was held by allowing the attorney for Senator Luechtefeld and Radogno to not just explain apparent discrepancies that we raised, but to accuse the challengers of false allegations. Now, for example, one of the categories is different addresses on the registration card from the ballot application. In other words, there were different addresses there. And when you first look at them, you -- you have to allege there's different addresses. The voter had a different address on the card than what they have on the day of the election, where they said their address was. Well, it turns out there were explanations for this. There was some -- what's called 9-1-1 addresses that were -- that were assigned to voters so that emergency services could pinpoint rural residencies in cases of an emergency. Well, those types of explanations are done at a trial when there's a full recount, and you don't have to inconvenience these voters that were inconvenienced down in southern Illinois by going down and asking them to sign affidavits. You don't do that. You -- you -- in a trial, through pleadings, try to decide which ballots we're going to focus on. It doesn't make it a false allegation. It's an -- it's an allegation that, on the face of it, showed that there was a different -- different address. So this so-called trial was on twenty-five percent of the ballots. The other side said, "Your allegations are false; you haven't

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alleged facts to show the election would be reversed." One of the categories was uninitialed ballots. Now, the law says, by the way, that you cannot count uninitialed ballots. And the Supreme Court case, the big case in this area is Pullen versus Mulligan. Representative Mulligan, who still sits over in the House, was involved. And in that case they said you can't count uninitialed ballots. But, as I said, this Committee rejected a rule that would have required us to consider case law or follow the law that's used in -- in these other types of election contests in front of a judge. In the Weller versus Christensen recount, it turns out that we did count uninitialed ballots. We voted to count uninitialed ballots. And I -- quite frankly, I can't remember whether that gave Representative Weller more votes or -- or Christensen. But we did -- we did vote to count uninitialed ballots. Now, that, of course, was before the Pullen versus Mulligan case. It was after a full recount; that is, we counted all the ballots and we actually looked at the ballots. You know, all we saw in this mini-trial was these little charts back here. We didn't go in as a committee and actually examine the ballots as we did in Weller versus Christensen. So I would say that it's very possible that our Committee, after a full recount, may have decided to count uninitialed ballots. There's a presumption against them, but if through evidence you can show that there was no fraud, it was just a mistake, maybe they ought to be counted. And that's a decision that we would make as a committee. But instead of doing that after a full recount, the Majority here just announced, "Hey, uninitialed ballots, in spite of the Pullen case, in spite of the law, they're all going to be counted, 'cause it helps our guy or our gal." That, to me, is not -- not fair. Why not go through the full recount, see what's there and then make these decisions? So I'm not, obviously, surprised by the -- the outcome of the -- of the Committee Report. For -- for you in

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the Majority Party to vote for one of your Members to be -- to be voted out of office would be extremely unusual and painful and difficult, and it's not to be expected. But I did think that you would at least go through the motions of having what I think due process requires and that would be a full recount. And then vote on each one of these categories of contested ballots, such that your candidate would win. That's probably what you'd do. But you took really what I think is -- is an easy way out, kind of a lazy way out, and in a way that really, in effect, denies due process. You know, if Nancy Kenney received eighty-two more votes and if Barb Brown received a hundred and twenty-seven more votes and they were certified the winners, there would be an election contest, 'cause it would be really close. And the majority of the Committee would be Democrats, and we would probably be having this type of a debate. I think you're demonstrating that it's very tough to be fair when you're judging someone from your own Party, but I think, at a minimum, you need to afford due process. When we had this contest over in the -- in the House, when I was in the Majority, we had a full recount. I think the same thing would be true if we were in the Majority here. So I would personally urge the two challengers, who don't yet to this day know whether or not they won the election, to go to court and to guarantee their due process rights to -- ask a court to order a full recount to see who really won these elections, 'cause right now we don't know. Thank you.

PRESIDENT PHILIP:

Senator Clayborne.

END OF TAPE

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SENATOR CLAYBORNE:

Thank you, Mr. President. I, too, would like to start off by saying that the charge of the Committee was to determine whether or not a recount should take place and whether or not Senator Dave Luechtefeld and Senator Radogno actually won the election. Throughout the hearings and -- that -- well, throughout the Committee hearings that we had on this -- on this matter, I constantly raised the issue of what were the formal rules, what were the rules by which we were to proceed. Constantly those decisions -- or, my answer -- my questions were never really answered by the Senator, and we proceeded and those rules were -- were identified or made up as we went on. So what I did, I questioned the attorney for Senator Luechtefeld and Radogno. I pulled out the rules that the Republican side of the aisle drafted and voted to approve on the day of the Inauguration, on January 8th, 1997. I questioned Attorney Odelson as to what was required to be put in the petition. I went through each element in the petition, and he admitted that those things were pled in the petition by Barb Brown and Nancy Kenney. But he went on to say that the allegations were not true. But if you look at the rules, the rules say that you have to make allegations in the pleading stage. In order to move on, he admitted that those were done, but what he began to do was to conduct a trial, by calling evidence. We were not allowed to do that. We were not allowed to participate in a formal hearing, where we're allowed to question the affidavits, nor were we allowed to question a handwriting expert. I also asked the attorney, again: You have a handwriting expert here -- but who wasn't physically present, but he had a -- a letter. Now in the court of law - and I know there are a few lawyers over there - that unless there are certain rules that are -- are abided by, you cannot just bring a statement in from somebody and take that as being true, without having the

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opportunity to question the person that -- that drafted that document. In this quasi-hearing, or whatever we conducted -- and I'm still not sure, actually, what rules were followed or what we did. I'm licensed in two states out of fifty, and I've never seen a hearing conducted like that. But anyway, we had to accept what this person, who I've never seen, we had to accept what he had drafted on the paper as being true. We couldn't challenge his credibility, we couldn't challenge his experience, we couldn't challenge the documents that were put up on the exhibit, because he was not there. So were the rules followed? We don't know what those rules were. It's interesting that Senator -- Senator Dillard told you about all of the evidence, and it reminds me of when I've tried a case and one side gets up and tells you what's favorable to him -- to his or her side. But what Senator Dillard didn't tell you was that in Monroe County, where most of the ballots weren't initialed that would change the outcome of this election, that that clerk - the county clerk - who trained these judges, was indicted for embezzlement. And he has asked you to vote based upon that. That person was not brought in. I send a message to you that there -- being a former prosecutor, that allegations of embezzlement brings into challenge the credibility of that individual who trained the judges that didn't sign those ballots. It's not Senator Luechtefeld's fault. But the real issue is: If we had a recount, who won that election? Was it Barb Brown? Or was it Senator Luechtefeld? What -- what Senator Dillard failed to tell you as well, and you should get up and ask him why he didn't tell you, is that in St. Clair County, a full recount has been ordered regarding precincts in Monroe County. You should be asking him these questions, why he didn't inform you of that in his statement, because it brings question and credibility and unreliance as to those votes that were counted. We have moved beyond the fifties and sixties in the early part of

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this century, and people are -- are allowed to vote. We ask people to come out and vote for us and we get seated in this Chamber. And all we're asking, in this case, is: Let's see who really won. Let's make sure that the -- the votes that were cast really reflect the people that sit here today. Now, the other thing that Senator Dillard talked about, that he said was somewhat comical or hilarious, but the standard in this proceeding was a reasonable likelihood of the change of the outcome. Now, hypothetically speaking, Odelson, the attorney, said that Senator Luechtefeld won by seventy-seven point some votes. Well, the actual election said that he -- he was certified by winning by -- winning by a hundred and twenty-seven. Now, that's almost fifty votes, at twenty-five percent of the discovery. In my math that I was taught, you take a four -- a full count. You've only had one-fourth. You times four by fifty and Senator Luechtefeld won by -- I mean, Senator Luechtefeld lost and Barb Brown won because five times forty -- I mean, four times fifty is two hundred votes. He also conceded that Senator Radogno won by fifty-eight votes, which is a difference of about twenty-six votes. If you take that -- I mean, twenty-four votes. Eighty-two and fifty-eight. If you take that and times that by four, because we only were allowed to look at twenty-five percent of the ballots, then that math also exceeds your eighty-two votes. Clearly, that demonstrates a reasonable likelihood of the fact that the outcome could be changed. That should move us to the next phase, and that is a full recount. What we're -- here today, we're -- we're trying to solidify the integrity of this process. We're trying to solidify the integrity of the democracy, that one man, one vote/one woman, one vote means something in this country, and particularly in this State. Senator Dillard stood up and gave you three or four examples and, obviously, if I was in his position, surely I'd pick out the best examples, too. But I raise the question to the

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Members on the other side of the aisle: If he didn't give me the full story as it relates to the county clerk that was indicted for embezzlement, who trained these same election judges that did not initial the ballots, what about those documents? Have we heard the true story? Why can't we have the full recount? Why can't we see who really won this election? And that's what it's all about. It's not personal with Senator Luechtefeld; it's not personal with Senator Radogno. It's to say who really won in the 58th and 24th Districts. That's the question. That's what we're here today. And if you believe that people are entitled to have their vote counted, then you will vote against the Majority Report and you will vote to see who won the election. All we have to lose is doubt. All we have to lose in this whole process is to find out whether Senator Radogno and Senator Luechtefeld really won the election. And I will say that all of us can truly say that the votes that were cast in that -- in those districts really and fully represent the makeup of this Body in the Senate. Therefore, I ask you to vote to send a message that we will have a recount and we will make a determination as to who really won the election.

PRESIDENT PHILIP:

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President, Members of the Body. This should be pretty short. I mean, you look at the results and obviously we see the rules. I might have to disagree with Senator Cullerton as to whether or not these should be the rules; that's not this debate. The rules are the rules, and we're following them. This Body gets to decide, not a court of law. Even if we went to court and say we think Senator Dillard's wrong, that we were denied due process, all the court would do is say, "Okay, she -- Kenney and -- and Brown asked for a recount. They were denied the full

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recount. The rules weren't right, so, therefore, go back and make new rules, Committee, make new rules, Senator Dillard, and follow the rules." Now, let's say they made new rules, they look at the evidence and let's say there is a full recount. And, of course, we have the recount and instead of five of those placards, maybe there would be twenty-five when he issues the new report after a full recount. There would be some superfluous objections that we made, and -- and, by the way, I might add, when staffs were doing this, it was a hotly contested race, as everybody well know. Maybe it was a little off-color to -- to challenge Senator Radogno's husband, but it's made in the heat of battle. There are some -- there are two scrappy battles going on there and the staffs were very good, hardworking staffs. But there were some that were and did have merit, even the -- the lawyer for the -- for the two Senators that are sitting here said that, "Hey, there -- there may have been some votes that could have been picked up." So we know that even if it comes back, the rule is and the law is, we're back here deciding. I've said this many times before, we keep doing the arithmetic: Thirty one beats twenty-eight every time. Three beats two every time. We know that. That's not going to change. That will never change. Mathematics dictate that it doesn't. All we're saying here is that because of due process, we were denied the full recount. I would think that the two sitting Senators would be demanding that there be a full recount. It's going to be thirty-one, twenty-eight after the full recount. It's going to be three to two after a full recount. Why not do it? Why not open it up? Why not see exactly what went on? It still has to come back to the committee. When we make more challenges, as we know, when you poll the twenty-five percent, we pick the twenty-five percent. We went to the best Republican precincts. I also have to take exception at Senator Clayborne, that maybe when it goes back, four times fifty is definitely two

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hundred, but it may not be fifty. We may lose votes when we go in the Democratic area, and then it would come out and their -- and the margin by Senator Radogno and Senator Luechtefeld may be bigger. And then when it's all finished, there's no doubt in any voter's mind, there's no doubt in any Senator's mind that Senator Radogno should be sitting here and Senator Luechtefeld should be sitting here. So the question isn't whether or not we're going to change what happened. It's done. We know it's done. It's going to be three to two now; it'll be three to two after a full recount. But what it does is give them more credibility and this Body more credibility. Thank you.

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. And first of all, there's the comment of one man, one vote, that -- that's correct, but we're talking about eighty-two votes in Senator Radogno's race and a hundred and twenty-seven votes in Senator Luechtefeld's race. So it's not as simple as one man, one vote. In the Jerry Weller situation, if you recall, and I think this is correct, Jerry actually won. Representative Weller was seated and he won by four votes. Obviously, the election was very close. Once the recount was done, he lost by three, and he was taken out of the Floor of the House and removed. A switch of seven votes after a total recount. So I want you to remember, we're talking about eighty-two in one particular race and a hundred and twenty-seven in another. If you would -- and I hope the Members would take the opportunity to come by and -- and look at the manner in which this case was prepared, and you would see that, in many cases, what we had to go by and the people who were challenged were -- if you can read their writing here, you're better than I, and I'm a pharmacist and I've got to read some of the worst writing in the

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world. This is not legible. This was very sloppily done, very ill-prepared by the attorneys on the other side. The staffs had to go out and try to interpret this and find these people, and which they did, and file the affidavits as to the result of the challenges that were put forth by the opposition. It -- it was almost like they said "Go out and get as many people as you can, challenge as many voters as you can, find as many individuals that we can write up and create this voluminous paperwork so that we can create this doubt." And that's what they did. A personal situation occurred to me -- happened to me and it was brought forth in, I think, the first hearing that we had, when they challenged the addresses of a hundred and twenty -- hundred and seventy-nine individuals who actually voted. I had a situation that happened in my home on a Sunday afternoon. County Clerk comes by and he says, "Frank, your daughter applied for an absentee ballot and she has the wrong address on that -- on her application, and my staff in my office says we're going to have to deny her the right to vote. Now, I know..." - this is the County Clerk, a democrat, good friend - he says, "I know you live here. I know your daughter lives here." And he says, "That would be ridiculous for me to deny you" - ultimately my wife and I - "the right to vote," because we had the same address. And why did that happen? And, Senator Cullerton, I understand. You being from Chicago, you don't understand the 9-1-1 situation that's taking place downstate, and maybe that's the same way your attorney, maybe he didn't understand which -- what's happening in downstate Illinois in regard to 9-1-1. What happens is, they are changing the addresses so that, when you dial 9-1-1, the emergency responding units will know where to go. So our address now, instead of being 454 -- or, actually, Rural Route 3, Box 454, our address now is 950 Fairway. Does that mean we moved? Did we pick up and move somewhere else? No, we're in the same spot we've

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always been. We had a gentleman -- seventy-nine-year-old gentleman comes in from Washington County; testified in the first hearing. He's lived in the same house since 1945, when he came back from the war and registered to vote. He lived -- they changed the address, in his situation, at least three times. It was a post office box when they used to didn't deliver mail in Okawville, to something now which is -- would have disenfranchised him from voting under the challenges that were put forth by the opposition. As a result of all of the testimony that went through and the examples that were said, the attorney for the opposition says, "Maybe we were a little zealous; maybe we were overzealous in challenging those individuals on the basis of their address." And what did he do? He withdrew all hundred and seventy-nine challenges. Withdrew 'em all. I said, at that point in time, being the only nonlawyer in the group, I said, "Well, maybe lawyers do have a conscience." And he withdrew 'em all. Then comes forth the challenged signatures of those individuals, the most fragile of our community, the elderly. My mother is ninety-one years old. God bless her, she's at home, has a great life. But she's instilled in me and in my father, who are very active in partisan politics in Bond County, she instilled in me, at an early age, an obligation, the right, to participate in the election process. And I do that, and I learned that at an early age. But I want to tell you, at ninety-one, she's got her pride, she's got her dedication. But if she's embarrassed and her vote would be challenged at some point in time because maybe her signature has changed over the last twenty, thirty years, or maybe she has Parkinson's disease or maybe she's ninety-nine years old or maybe she has MS or maybe she's arthritic, I'm not so sure she'd go back and vote again. I think that's one of the sad happenings that's resulted in this process, is the challenges that went forth on some of the individuals you heard from from Senator

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Dillard. ...paper articles: "Democrats back Motor Voter suit."
"Democrats want simpler Motor Voter." These are articles we saw a
great deal of when the Motor Voter legislation was debated on the
Floor of the Senate. And our Minority Leader, on February 1st,
1995, in the Peoria Journal Star, this quote, "In a democracy, we
should be working to encourage our citizens to vote. Stonewalling
and limiting participation is grossly irresponsible." Senator
Halvorson, on September 13th, 1996, in the Southtown paper: I
would be very angry if I was a registered -- if -- excuse me --
"I would be very angry if I was registered and then told that I
couldn't vote on election day. They're disenfranchising voters,
which is going against what the law stands for." And I think
that's what's happening here. This is just politics that we're
seeing from the other side in the challenges that came forth. We
need people to participate in the election process, and this is
something I've believed in, strongly, since the first time I put
my name on the ballot: was people participating and the
importance of that. And the more people that participate, the
better. We'll get better government from -- the more of the
people who participate; the fewer, fewer control. And what we've
seen here is an attempt to lack -- to -- to put a -- to
disenfranchise those people who have voted, who did take the time
to vote. And that's why the Majority Report, the three to two
vote that took place, is that we want to see people participate
and given the opportunity to vote as they wish, and that's what --
exactly what they did, and that's why we should adopt, Mr.
President, the Majority Report, and I -- urge the Body to do so.

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President and Ladies and Gentlemen of
the Senate. Several months back a petition was filed by two

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people who had been certified as losers by -- by Election Commissions. These petitions were filed under oath and they made certain allegations - and I'll underscore the term "allegations", about the manner in which elections were conducted in the 24th and 58th District. These allegations, under oath - and that's all they were, nothing more - according to the theory of the Minority Party, that because they're under oath and because these allegations are listed and following a statutory format, that they must be accepted as true, and at that point in time, with nothing more, nothing less, we must have a full recount. There is a threshold question which is -- which must be answered under the Election Code: Is there a reasonable likelihood that the results would change as to show the petitioners would be -- would likely win the election? I find it somewhat ironic that one of the speakers from the other side of the aisle made aversion to prosecution. I think it's very pertinent in this case. As one who has prosecuted cases, I can tell you that many people walk into police departments, and more importantly into prosecutors' offices, they raise their right hand, they swear to tell the truth and they sign a complaint under oath, sometimes charging people with very serious and heinous crimes known as felonies. And under our Constitution, before any person who is accused of a crime can stand trial, there's a matter known as a preliminary hearing. At a preliminary hearing, a judge makes a finding whether or not there is probable cause to believe that the person named in the information or complaint has committed a crime. There is evidence that is taken, and -- and even more telling, at a such a hearing, hearsay, by way of affidavits, is admissible. By analogy, we conducted a preliminary hearing, and at that preliminary hearing, we were asked to decide a question: Is there sufficient evidence or sufficient reason to believe that as a result of allegations made under oath by the petitioners, that the election contest

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would -- that the election would change? But before we ever got to that, we wanted to know: Where's the beef? So we asked for a bill of particulars, a fancy legal term which means just tell us exactly what you mean by all of these broad generalizations that you've made about irregularities in election contests. And -- oh, I guess, maybe five weeks later, a ninety-six-page document appears, very, very obviously for any person who chooses to examine the document, they would know that, at a minimum, was hastily tossed together, containing little check marks, and obviously assembled by some -- some staffers and volunteers, and a series of tabulation sheets. And after this document was filed, within one week, there was a motion filed that said, "Well, now we've shown you what we have, and so as a matter of law, you have to have a recount. By your rules and as a matter of law, there must be a recount." It is interesting, and I simply point this by -- by the way of irony, that in the allegations there were no addresses given on these people, even though one of the petitioners from the 58th District had all of those addresses at her disposal because she was able to mail out to all people who she was challenging a letter - a letter that I will refer to later on in my remarks. At this point in time, according to the -- to the Minority Party, the only thing that stood between a recount and the -- a full recount was something known as the truth and something known as the law. Because in that period of time, between the time that the bill of particulars were filed, some people, who deserve a lot more credit than they'll ever receive, went out and did the painstaking, hard work of freedom by going door-to-door and walking up to perfect strangers and saying, "Are you John Schmidt? Did you vote on the first Tuesday of November? Is this your signature? And were you in this particular precinct?" These volumes that are on my desk have these affidavits, which independently verify that, in fact, the

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allegations that were made in the petitions were simply that: allegations lacking substance. And these individuals says, "Sure, that's me. I voted." We went out and -- and contacted election judges who said, "Yes. We have some -- some problems here in -- in the precinct in terms of uninitialed ballots, but the fact of the matter is we made an error, that all the ballots that came in were not -- were all from people who are qualified to vote, who -- who cast their ballot in the traditional manner. We made an honest mistake." And certain people were being challenged not because of anything that they had done, but because the government had decided to change their address and, in some instances, without their knowledge. There has been some talk and some discussion in connection with the Weller versus Christensen recount. And like Senator Cullerton, I sat in on that particular saga more than ten years ago. In that case, and this needs to be stressed, the certified winner of that election was now-Congressman Jerry Weller. After a full recount that was given in that instance, because a threshold question that had been raised about whether or not there -- there was enough evidence to show that the results would change, the Majority Party at that time felt that there was sufficient evidence to demand a recount, and so they went forward. And what should be pointed out is, after they counted an entire House district, one-half of a Senate district, with just about every, single ballot being looked at under a microscope, the net change on that whole scenario was a total of seven votes, with everybody getting a chance to take their best shot. In Will County, in 1988, we had a recorder of deeds who was elected by fourteen votes and there was a full recount in that instance. I do not believe that the -- as a result, or after that recount, that there was change of more than three votes, and the person who was certified the winner was the winner. But at -- on a more personal note - and this was

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highlighted in the remarks of our -- our former, fine colleague, Senator Tom Dunn - many of you may know that I was in an election in 1976 against the former distinguished Senator, and now distinguished Judge, in which I was certified as the winner by one hundred and forty-one votes. We had a discovery recount in that matter. And after the discovery recount, Senator Dunn sent me a short note of congratulations and also put a little ad in the newspaper that said, "Congratulations to Will County's new State's Attorney." But I'm here to tell you that he did something that was not done in this case. Senator Tom Dunn was intellectually honest. When he was going through the twenty-five percent of the ballots, not only was he looking for the little marks and indentations that did not always go all the way through for his candidacy, but he was also looking at mine, and he was looking at the uninitialed ballots not only of his candidacy -- that would favor his candidacy, he was looking at mine, and of the improper allegations of -- of wrong addresses and not registered voters. He looked at both sides and made a determined decision that, as a matter of fact, I was beginning to pick up votes in his own -- by his own tabulations. That intellectual, honest approach that was -- was made by -- by Senator Dunn has stood him well through the ages, and which is one -- one of the reasons I can say, again, I think he's going to make an outstanding Judge. In this instance, Ladies and Gentlemen, we had allegations that were made that, being kindest to the people making these allegations, are simply wild, simply without foundation, and baseless. Senator Dillard has given you only a small sampling of what is contained in these volumes. Choose to look at it yourself and you can independently verify that the allegations are baseless. And please understand this: The precincts that were selected, in terms of this process, were not of our choosing. They picked them out. They picked the best precincts that they felt would give them the best chance of

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meeting the threshold question of whether or not there is a reasonable likelihood to overturn this election. And critical to our understanding of this, no credit was given, whatsoever, to Senator Luechtefeld, on any of this. So it is simply intellectually dishonest to -- to come forward with an allegation making serious charges in connection with election irregularities without ever taking a look at the other side to see if, perhaps, some uninitialed ballots or perhaps some people who were -- they claim were not in the binders, that this may have benefitted, to some extent, the respondents in this action. So we do get down -- back to the -- the threshold question: Was there a reasonable likelihood that the results would change with a full recount? And I've heard the question asked: "Why don't we have a full recount? Well, what -- what have you got to hide?" Well, you don't have to eat the whole apple to know that it's spoiled. We took a look at twenty-five percent of the precincts. They -- they were given the best shot. Bring your evidence in, lay it out, let's take a look at it, and let's see if there's something that if -- if it's true, we can independently verify that there should be, in fact, a full recount. But there's something else that stands in the way, and I indicated that before, and it happens to be the law, that threshold inquiry: Was there a reasonable likelihood that the election results would change? I can tell you, we examined the evidence that was presented and we were given an opportunity to go out and do something - and using a term that I really hate to use, considering what is happening in the other Chamber, to "impeach" - to impeach the allegations that were made, to challenge the allegations that were made, and those challenges were made under oath, those challenges were made with witnesses who, in the past, have -- have been credited as being experts in the field. I believe that the evidence that was presented, the work that was done by our staffers conclusively rebuts the general allegations

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that were made here by the petitioners. In fact, this is not even a close call. There has been some statements made about uninitialed ballots and the Supreme Court moving toward a position -- clarity in the law. You know, Senator John, I sat in that recount and -- and I do recall when we had a situation which involved the Weller recount and whether or not we should count the uninitialed ballots. Initially, they were not to be counted. This was the threshold inquiry that was -- that the Democrats in the House said, "Don't count these uninitialed ballots; Christensen wins the election." And then when all of the -- the recount was made, all of a sudden there was a deficiency - let's use that term - a "deficiency" of votes. And as a result, lo and behold, the ballots were then counted, the uninitialed ballots. But I do believe that statements were made which have been adopted by the Illinois Supreme Court. The distinguished Senator from Cook County indicated at that time, "I don't think it's very easy to say" that "the law is clear," referring to uninitialed ballots. "The fact of the matter is we had to decide whether or not to disenfranchise those voters. In the absence of any fraud, which was stipulated to by both" of the "parties, we decided to count the ballots." Ladies and Gentlemen of the Senate, counsel for the respondents, before our committee, indicated that he no longer was pleading fraud and proving fraud. And in addition to that, one of the respondents, in a letter sent out to constituents who were being challenged, said: It was never my intention to ever say that there was any fraud in this election. I'll take 'em at face value. If that's the case, if there was no fraud in the precincts and we had clerical errors made by people who should be given more credit than they're given - those election judges who are in the precinct from 5:30 in the morning, sometimes, to 8:00 at night - they made an honest clerical error, we don't have any fraud, we shouldn't disenfranchise them. Count the ballots. So again, it's

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not even close. And I can look at Members of the Majority Party here and I can tell you, with all the sincerity I can muster in my being, we did everything legally, ethically, procedurally correct and morally right. The result that we have come to and the conclusion we come to is the legal, ethical, procedural and moral thing to do. And to Senators Luechtefeld and Christine Radogno: You won the election fair and square. Hold your head up high. The process that we have followed today is a process which we can be proud of, and I say to you, congratulations. And, Mr. Chairman, I urge that we accept the Report of the Committee.

PRESIDENT PHILIP:

Senator Viverito.

SENATOR VIVERITO:

Thank you, Mr. President. I wasn't going to say anything, but I feel compelled to. I am a part of the 24th District and I cannot question the technicalities that both sides have cited, but I can attest to a number of people and judges that came to me and told me that the people that were voting the Motor Voter at the Secretary of State's Office, they were denied the right to vote for the State Senator, could not vote for any of the State candidates. They were only allowed to vote federal. I can tell you here and now, that is a fact. There were many people, at least some of them in Stickney Township, which is only a very small portion of the 24th District, that never had the opportunity to vote. Many of the judges were not even cognizant that they were able to vote. Apparently, the Office of the County Clerk did not fully make every judge in our district fully aware of who could vote for the federal and State. You remember, there was controversy at that time. So I say to you, with the conscience -- conscience that we all have, if you truly want to feel that you won the election, why don't we at least find out how many people were not even able to vote when they had the right to vote? Thank

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you very much.

PRESIDENT PHILIP:

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

SENATOR DILLARD:

Thank you, Mr. President, and fellow Members. I appreciate your taking the time to listen to us today. Let me say, you know, perhaps this process and having us sit in judgment of our own Members -- if there's a better way, I don't know where it is, Senator Cullerton. And we didn't just pick this procedure out of the air. It comes from the Illinois Constitution. I was in grade school when the Illinois Constitution of 1970 was written, but I do follow it. We all take an oath to follow the Constitution of the State of Illinois, and it's the Constitution of the State of Illinois that says we sit, for better or for worse, like most legislative bodies, including the United States Congress, in this country, as the final determiner of who sits in this Body, this Chamber. Just a couple of points that were brought up by the Democrats during our course of discussion: I would argue, Mr. President, that the Weller versus Christensen rules do not automatically, with all due respect to Senator Cullerton, willy-nilly, automatically grant a full recount. That's not how I read the rules. I've read them two or three times here this afternoon, again. You don't get an automatic recount, either then or now. And notably, very notably, the Supreme Court of the State of Illinois in, probably our most famous recount case, Adlai Stevenson versus Jim Thompson, in that gubernatorial recount contest decided by the Supreme Court, they denied a recount and granted a motion to strike and dismiss, where Adlai Stevenson came within one-half a vote per precinct of defeating Jim Thompson back then. And, Senator Clayborne, you know, you know for a fact that extrapolation, under the law of Illinois, is not allowed. That's very clear. And, Senator Viverito, you know, I don't know about

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the allegations of Motor Voter problems. Perhaps you ought to talk to David Orr, the Cook County Clerk up there. But they were not alleged. They're not part of Mrs. Brown's -- excuse me -- Mrs. Kenney's petition in the Christine Radogno matter. And I do want to make it very clear that the committee saw more than charts. We saw affidavits - they're right here - of election judges for the precincts where the ballots were uninitialed, and we have seen, as Senator Petka clearly pointed out, no allegations of fraud. We heard from Mrs. Brown, in southern Illinois, and we heard from her attorneys, in a letter, that there were no allegations of fraud in that particular race. Mrs. Brown admitted to it. And again, what we did here is the same scenario that was followed by the House of Representatives, which are -- was our guide, to some extent, in the Weller versus Christensen race. And our rule, Senate Rule, standing Rule 11-2, subsection (c), provides that the petition of election contest shall be verified by affidavit swearing to the truth - the truth of the allegations therein. And I can tell you, like Senator Petka and Senator Watson, the allegations proven were just not -- they weren't proven, they were just not true. And I guess just to close: Quite simply, I guess we sit here today as judges and we've got to determine if the petitioners have shown, with reasonable certainty or reasonable likelihood, that a recount would reverse the election, with the petitioners winning. The law, as I see it, is very simple. I will say Senator Clayborne brought up, and I didn't leave it out on purpose, the -- the predicament of the county clerk in Monroe County. I didn't bring it up because it's irrelevant. The county clerk does not count ballots. And in Mrs. Brown's case, she based much of her case on uninitialed ballots contained in three precincts in that Monroe County that Jim Clayborne brought up. In Monroe 2, the judges of election have told us, through sworn affidavits, that that is their belief,

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that everybody voted legally, using an official ballot which was deposited in the ballot box by the election judge. And they also told us that they made an unintentional mistake by not initialing some ballots. And further they have said, Mrs. Brown said it in a letter, that no fraud or illegal voting, and quite interestingly, she sent that letter on March 30th, 1997, to all kinds of people in her district, saying, "Hey, there was no fraud." So as Senator Watson, using his mother, ably pointed out, I think in this day and age of very low voter turnouts, we would be sending an unfortunate message to the public that they must be an election expert every time they go into their precinct to vote. The courts require the losing candidate to show an actual change in the results, and the petitioners, Mrs. Kenney and Mrs. Brown, they just can't do it. They just have not done it. The law of the General Assembly, our own law following the Weller versus Christensen and House ways of doing business around here, as eloquently stated by Senator Cullerton, repeated by Senator Petka, was that you should not disenfranchise an innocent voter because of an inadvertent clerical error of an election judge. And I guess to close, Mr. President, I'm very convinced that that's the right decision. Not only is it the precedent of the Illinois General Assembly, but the Supreme Court in the Penny Pullen recount case and recently in a case called Hester, the Supreme Court said this, quote: "...irregularities in the form of" a "...ballot, which occur because of the honest mistake of election officials, will not, by themselves, invalidate the election. Other decisions have likewise expressed a reluctance to construe statutory requirements so as to deprive fully qualified voters of their right to have their votes counted, simply because of a mistake on the part of the election officials." And again, the petitioners have made numerous unsubstantiated allegations regarding alleged unregistered voters who were allowed to vote or

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alleged voters whose signatures did not match, and these were just proved patently false in our Committee. So, therefore, Mr. President, I move that the Senate adopt the Committee Report of the Special Election Contest Committee, first for the Senate District No. 24.

PRESIDENT PHILIP:

Senator DeLeo, for what purpose do you rise?

SENATOR DeLEO:

Thank you, Mr. President. We'd respectfully ask a oral, verified roll call.

PRESIDENT PHILIP:

Senator DeLeo, as you know, the Senate rules do not provide for an oral roll call, only on three different occasions: first, to determine whether we have a quorum; secondly, to decide who the President of the Senate is; and thirdly, if the machines would break down or we'd have a lack of power. Now, I kind of consider that dilatory, a waste of the Senate's time. If you've got a good, logical reasons why we should do it and take and waste our time, I'd like to know what they are. Senator DeLeo.

SENATOR DeLEO:

Thank you, Mr. President. Then we withdraw that motion, but then we'd ask for a verified roll call, according to our rules, after the -- after the roll call.

PRESIDENT PHILIP:

That's certainly in order. Senator Dillard moves the Senate adopt Committee Report with regard to Legislative District 24. Those in favor shall vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 30 Ayes, 28 Nays, 1 voting Present. The Report of the Committee with regards to Legislative District 24 is adopted. Senator DeLeo has requested a -- a verification. Will the -- all the Senators be in their

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seats? Mr. Secretary, read the affirmative or negative votes.

SECRETARY HARRY:

The following Members voted in the affirmative: Bomke, Burzynski, Butler, Cronin, Dillard, Donahue, Dudycz, Fawell, Fitzgerald, Geo-Karis, Hawkinson, Karpiel, Klemm, Lauzen, Luechtefeld, Madigan, Mahar, Maitland, Myers, O'Malley, Parker, Peterson, Petka, Rauschenberger, Sieben, Syverson, Walsh, Watson, Weaver and Mr. President.

PRESIDENT PHILIP:

Does any Senator question the presence of any Member voting in the affirmative? Senator DeLeo.

SENATOR DeLEO:

Mr. President -- thank you, Mr. President. It appears that everybody's -- is here in their seats, and we thank you for the verification.

PRESIDENT PHILIP:

You're more than welcome. On a roll call, the Ayes are 30, the Nays are 28, there are none voting Present -- 1 voting Present. Excuse me. On a verified roll call, Report of the Committee with regard to Legislative District No. 24 is adopted. Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. Now I move the Senate adopt the Committee Report of the Special Election Contest Committee for Senate District No. 58.

PRESIDENT PHILIP:

Senator Dillard moves that the Senate adopt the Committee Report with regards to Legislative District 58. Those in favor shall vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 30 Ayes, there are 28 Nays, and 1 voting Present. The Report of the Committee with regard to

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Legislative District 58 is adopted. Senator DeLeo, for what purpose do you rise?

SENATOR DeLEO:

Mr. President, I'd ask for the verification of that.

PRESIDENT PHILIP:

That's always in order, Senator DeLeo. Senator DeLeo has requested a verification. Will all the Senators be in their seat? Will the Secretary please read the affirmative votes?

SECRETARY HARRY:

The following Members voted in the affirmative: Bomke, Burzynski, Butler, Cronin, Dillard, Donahue, Dudycz, Fawell, Fitzgerald, Geo-Karis, Hawkinson, Karpel, Klemm, Lauzen, Madigan, Mahar, Maitland, Myers, O'Malley, Parker, Peterson, Petka, Radogno, Rauschenberger, Sieben, Syverson, Thomas Walsh, Watson, Weaver and Mr. President.

PRESIDENT PHILIP:

Does Senator DeLeo question the presence of any Member voting in the affirmative?

SENATOR DeLEO:

Thank you, Mr. President. It seems that all Members are accounted for. We thank you for the verification.

PRESIDENT PHILIP:

On the verification roll call, there are 30 Ayes, there are 28 Nays, 1 voting Present. The Report of the Committee with regards to Legislative District 58 is adopted. Senate {sic} Bills 3rd Reading on the top of page 10. Senate {sic} Bill 1668. Senator Bowles. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1668.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

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Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President. House Bill 1668 would authorize the Bethalto Community Unit No. 8 in Wood River Township in Madison County to quitclaim school property to Community Hope Center, which is a not-for-profit organization that deals in the -- provides food and clothing for the poor in a very depressed area of the county. The school board -- this bill, if passed, would -- would authorize the school board to sell it to Hope Community for one dollar. There is a reverter clause in the quitclaim deed that would, if this ceases to be used for Hope Community Center purposes, it would revert back to the school district. I would ask for an affirmative vote. If anyone has a question, I would be happy to respond.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 1668 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. House Bill 1668, having received the required constitutional majority, is declared passed. Senator Rauschenberger, your -- for what reason do you rise? We're on the -- page 10. 3rd -- House Bills 3rd Reading. House Bill 1699. Senator Parker. Out of the record. House Bill 1702. Senator Berman. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 1702.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman.

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SENATOR BERMAN:

Thank you. This bill, as amended, is supported by the reform organizations, the local school council groups, the Chicago Reform Board of Education, the CEO of the Chicago Public Schools. And what it does is to allow, or permit, the Chief Executive Officer of the Chicago School Reform Board to -- where a local school council is not carrying out its financial duties effectively, that chief executive officer may appoint a representative of the business community with experience in finance and management to serve as an advisor to the local school council. I'd be glad to answer any questions, and solicit your Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? But before we get to that point, let's -- why don't we get back in our seats. We did a good job there for about an hour. Everybody was very attentive. Let's continue with that type of legislative approach to the process. Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. Senator Berman, if I may, please. You were cooperative and -- and responsive to our request in committee, and because you are such a -- such a wonderful man, would you be kind enough to make the same commitment that you made in committee here on the Floor?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman.

SENATOR BERMAN:

Yes. I acknowledged to my colleagues on the Senate Education Committee that this bill will not move in any amended form other than this, and just for the record, it will not be the Madigan/Berman school reform finance bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? If not, the question is, shall House Bill 1702 pass. All those in favor, vote Aye. Opposed, vote No. The

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voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. House Bill 1702, having received the required constitutional majority, is declared passed. Senator Cronin, do you wish to return Senate {sic} Bill 1705 to the Order of 2nd Reading for the purpose of an amendment? Senator Cronin seeks leave of the Body... Senator Cronin does not wish to return this bill to the Order of 2nd Reading, and will take it out of the record. Senate {sic} Bill 1707. Senator Rauschenberger. Senator Rauschenberger on the phone? Senator Rauschenberger. Out of the record. Senate {sic} Bill -- Senator Lauzen, for what purpose do you rise?

SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR WATSON)

Please state your point.

SENATOR RAUSCHENBERGER:

Above the President's -- in the President's Gallery, I'd like to introduce three friends from back home. First of all, I'd like to introduce the new Mayor of Geneva, Illinois, Tom Coughlin; my friend, Paul Dekoto, who has served after the death of our previous Mayor. Paul Dekoto stepped in. And then our City Administrator in Geneva, Illinois, Phil Page. I'd like you to rise and I'd like my colleagues to welcome them to Springfield.

PRESIDING OFFICER: (SENATOR WATSON)

Would our guests in the gallery please rise? Welcome to Springfield. Senator Trotter seeks leave of the Body to return House Bill 1735 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 1735. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

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Amendment No. 2, offered by Senator Trotter.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. Amendment No. 2 adds clarifying language to the underlying bill, adding a fourth Statute that authorizes foreclosure. I seek its passage.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? 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?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. House Bill 1736. Senator Shaw. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 1736.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. House Bill 1736 require persons involved in receipts, transfer of, recycling, or other management of construction demolition debris to maintain load tickets. This is a bill that was offered by the City of Chicago, because they have a -- somewhere around eleven-million-dollar problem with people just picking up material, in terms of demolitions, and picking up -- and dumping it on vacant lots. And certainly this legislation would make them keep records where that

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we could keep a record of how this material is being disposed of.
I ask for an Aye vote on the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Any discussion?
Seeing none, the question is, shall House Bill 1736 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 59 voting
Yes, no voting Nay, no voting Present. House Bill 1736, having
received the required constitutional majority, is declared passed.
House Bill 1751. Senator Dillard. Out of the record. House Bill
1757. Senator Garcia. Out of the record. Senate {sic} Bill
1779. Senator Cronin. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 1779.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. House Bill 1779 provides that when
a next friend or guardian has been appointed in a minor or ward's
-- or ward's personal injury lawsuit and the lawyer's fee is based
upon contingency, then the guardian of the estate shall not
participate in or have any duty to review the prosecution of the
action, its settlement, or any attorney fee awards. If no next
friend or guardian is appointed, then the estate guardian would
continue to represent the minor or ward throughout the litigation.
This was a bill that was supported by all professional
organizations involved. There's no known opposition. I ask for
your favorable consideration.

PRESIDING OFFICER: (SENATOR WATSON)

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Is there any discussion? Any discussion? Seeing none, the question is, shall House Bill 1779 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 Nay, no voting Present. House Bill 1779, having received the required constitutional majority, is declared passed. House Bill 1802. Senator Cronin. Senator Cronin? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 1802.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cronin.

SENATOR CRONIN:

This is a great computer system. So glad we have it. Thank you. 1802 amends the Illinois Lottery Law and this is an administration bill. It simply provides that the proceeds from bonds purchased and interest accumulated as a result of a grand prize multi-state game ticket that goes unclaimed will be transferred upon the termination of the claim period directly from the Deferred Lottery Prize Winners Trust Fund to each respective multi-state partner state according to its contribution ratio. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall House Bill 1802 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 Nay, no voting Present. House Bill 1802, having received the

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required constitutional majority, is declared passed. Senator Tom Walsh, on House Bill 1806. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 1806.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Walsh.

SENATOR T. WALSH:

Thank you, Mr. President. House Bill 1806 simply says that the Illinois Department of Public Health shall compile the reports required under subsection (a) and shall determine the impact of violent acts on children. The Department shall, using only data from which the identity of an individual cannot be ascertained, reconstructed, or -- or verified and to which the identity of an individual cannot be linked by a recipient of the data, report its findings to the General Assembly by December 31st, 1997, and every two years thereafter. And that's -- that's what the bill does.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Any discussion? Seeing none, the question is, shall House Bill 1806 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 1806, having received the required constitutional majority, is declared passed. House Bill 1817. Out of the record. The noise level is -- has got to the point where we've been asked to possibly remove individuals from the Floor, and we don't want to do that. So we would like to accommodate our guests, but we want to hold the level -- noise level down. Nobody is listening. Could we just hold the noise level down so that the Chair and the Secretary and those on the

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Floor can participate in the process? Would you please do that for us? And if you can't do is, take your conferences off the Floor. Thank you. Senator Karpel, for what purpose do you rise?
SENATOR KARPIEL:

I would like to just have the record show that had I voted on House Bill 1806, I would have voted Aye.

PRESIDING OFFICER: (SENATOR WATSON)

We will certainly document that request. House Bill 1817 is out of the record. We are at House Bill 1823. Madam Secretary, would you please read the bill?

ACTING SECRETARY HAWKER:

House Bill 1823.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. House Bill 1823 states that after a student is transferred into a safe schools program or the alternative program, that program -- program can claim the alternative education State aid for the duration of the student's stay. When the student returns to the home school, that school will again claim the student for State aid. This was brought to us by -- by the regional superintendents. It is the same way we fund the other -- the other alternative schools in the State. The Lab School is done the same way. There were some questions -- there were some questions in committee as to whether or not this was new money -- whether or not this was new money and, in fact it is not. The fifteen million dollars that's in the budget is for new alternative schools. I believe everyone is in agreement now. We've done quite a bit of checking on this, and I think everything

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is okay. Mr. President, I would seek the support of the Body.

PRESIDING OFFICER: (SENATOR WATSON)

Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Senator Maitland, I was trying to follow. I think with respect to the last question, you indicated that this would not come out of existing general State aid, that there is a separate line item in the State Board of Education's budget for this?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

No. This -- this is separate from the fifteen million that we talked about in committee. There was confusion as to how that was handled. This just allows the -- the -- the money will track the student to the alternative school. The -- the -- the school of origin, the domicile school district, will claim the student and that's the way they get the money. It just simply goes to the alternative school.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio.

SENATOR DEMUZIO:

Well, in order for me to get this straight, that means that in my school district, if I have, both at the elementary and the secondary level, fifteen students, for whatever reason, have to go to the alternative school, that general State aid, then, is subtracted from my school district and given to the alternative school, which is under the jurisdiction of the regional superintendents. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

For the duration that the student or students are in the

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alternative program, that money, which is in the count of the domicile school district, will go directly to the alternative school. It's going there now, Senator. This -- it just goes directly, and it's an administrative issue for them, and it makes it easier to administrate.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio.

SENATOR DEMUZIO:

I think I'm confused. In the alternative schools now, those students that have to go there for whatever reason - disciplinary, so forth and so on - do they not receive -- they don't receive anything. But the -- the regional superintendents receive a grant from the State Board of Education to run that program. Do they not now?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Senator, the fifteen million dollars that's in the budget now is essentially for new alternative schools and -- and I think a portion of that may go to the alternative schools. This is no money. Absolutely no new money is involved here. None whatsoever.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio.

SENATOR DEMUZIO:

Hello. I understand that portion of it, but let me give you an illustration. Let's assume -- and my regional superintendent of schools has four counties under his jurisdiction, and that includes ten school districts and, for whatever reason, sixty students within that -- in those multi-counties go to an alternative school, which apparently the regional superintendent has set up, and therefore all of the money from where those

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students were, their home school no longer goes to the -- the home school. It then goes to the regional superintendent of schools for those youngsters who are now enrolled in the alternative school. Am I correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

That is correct. It funnels through the domicile school district and goes to the alternative school. That is correct.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio.

SENATOR DEMUZIO:

Well, you know, if I took the five most troublesome youngsters in every class in the multi-county area, and for whatever disciplinary reasons, and required them to go to an alternative school, that's a lot of money that's going to be diverted from the regular school system to go into the alternative school. Is it not?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Senator, one more time: That's the way it's happening now. It is the school district, in concert with the regional superintendent, that sends that student to the alternative school.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

All right. Well, then let me ask you this question: Are you saying to me that currently that the money for John Smith in Carlinville school district, who now has to go to the alternative school for, let's say, it's a disciplinary problem, then if it -- if he's -- if it's in this current year, then the school district,

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before your bill, gets the general State aid and they, in fact, give it to the regional superintendent for that person for his enrollment in the alternative school. Is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Senator, if I understand your question correctly, the alternative school gets the money only for the period of time that the student is in the alternative school.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

From whom, now?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Well, Senator, I -- you know, I don't know how much -- I'm sorry. The money now is in the count -- the State aid is -- is calculated based on his or her enrollment at the domicile school. When he or she goes, then, to the alternative school, the money goes to the alternative school for that period of time.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

I -- I understand. My question is, if I'm in the middle of the school year and that student, who is enrolled in the regular school system, goes to the alternative school, then that portion of the period of time that that person has to go to the alternative school, does the money still flow to the school district now, and they, in turn, give it to the alternative school?

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Maitland.

SENATOR MAITLAND:

That is correct. That's the way it's done now.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

So in other words, currently the money goes to the regional superintendent now for the period of time? Well, that's what I'm -- that's what I'm -- that's what I'm told over here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

It goes through the school - through the school - to the alternative school. This is simply an administrative change. Makes no difference in the amount of money or anything. This is exactly the way we fund the other alternative schools. That's the way this bill was supposed to have been drafted and -- and was not. And we're simply making it like all the other alternative schools. Period.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio.

SENATOR DEMUZIO:

Well, let me just say that we -- when we embark upon this mission, we're going to have a big alternative school situation next year and the following years, because they're all going to be going, if they're troublemakers, to the alternative school.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Madam President. I have a special -- I want to make -- ask you if you will please vote me as -- for Bill 1806, I was talking and I didn't vote, but I wanted to vote for that.

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PRESIDING OFFICER: (SENATOR DONAHUE)

The record will so reflect.

SENATOR SMITH:

Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland, to close.

SENATOR MAITLAND:

I -- I just don't -- Senator Demuzio, I just don't want to leave the wrong impression with the Body. This has nothing to do with adding to or deleting from the number of children we're going to have in alternative schools. That doesn't drive this bill at all - at all. This is merely almost a technical change. This is an important bill, Ladies and Gentlemen of the Senate. I would seek your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 1823 pass. Those in favor will vote Aye. Opposed, 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, 1 Nay, 1 voting Present. House Bill 1823, having received the required constitutional majority, is declared passed. Senator Myers, on House Bill 1883. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1883.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Myers.

SENATOR MYERS:

I'm -- I need to move it to -- I have an amendment.

PRESIDING OFFICER: (SENATOR DONAHUE)

Then you ask leave of the Body to... Out of the record.

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Senator Karpel, on House Bill 1887. Out of the record. Senator Cronin, on House Bill 2030. Senator Cronin. Out of the record. Senator Parker, on House Bill 2059. Out of the record. Senator Viverito, on House Bill 2060. Out of the record. Senator Parker, on House Bill 2061. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2061.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Bill 2061 is a five-year pilot program for the State to reinvest in current successful small business incubators. This bill allows DCCA to administer grants to incubators for the purposes of capital development. The money is to come from fifty percent of the company income taxes paid by the businesses in their respective incubators. This bill rewards successful incubators and encourages them to continue and expand to create additional or improved incubator space to seed further economic development and job creation. In economically depressed areas, incubators are often the only attraction for small business to locate in that area. For technological companies, incubators usually have relationships with universities, which facilitates the transfer of knowledge and technology. I would be glad to answer any questions, and ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Lauzen.

SENATOR LAUZEN:

Would the -- the sponsor yield for questions?

PRESIDING OFFICER: (SENATOR DONAHUE)

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Indicates she'll yield, Senator Lauzen.

SENATOR LAUZEN:

I believe that this bill has the number of votes that it's going to need to pass, so I don't want to hold up our work too much. But is there any stipulation in this bill for the type of business that this incubator needs to -- to have? I mean, is the -- the t-shirt shop, the tattoo parlor, are those -- have that -- has that been taken out of the bill, or is there a stipulation in this bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

There are twenty-two incubators around this State. There is not a stipulation as far as the type of business in the incubator; however, these incubators actually consist of entrepreneurs. They are people that generally need the expertise from the universities. They need the high technology and they need the computer access, and so normally those are the types of businesses that are in the incubators. There is one in Chicago, the University of Illinois has, and they are very high-tech people and entrepreneurs that usually are the ones that are in those businesses.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

You know, in using the term "entrepreneur," the folks who run the gas station around the corner from me, the small business grocery store, all these folks have claim on the title "entrepreneur". Can you explain to the Body why we're going to give a competitive advantage to the members or the people who locate in a -- one of these few incubators that perhaps other small businesses don't enjoy?

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

I'm sorry. Can you repeat just the last section of your question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Basically, why are we giving a competitive advantage to the people who are members of this incubator that other small businesses in Illinois don't enjoy?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

The subsidy is not going to the businesses in the incubators. What the subsidy goes to is the incubator itself that houses these businesses. These are people who -- who will look towards knowledge between themselves with the universities. They may share computers. They may share access as far as financial services. There is one in Northwestern Research Park. An example of an incubator is the Pea Pod company, which many people may have heard about. It was started by two brothers. Normally, an incubator business will have two or three people that would want to go into business together. They will share the facilities. They will share the financial obligations -- financially access, as far as what they can learn from the businesses and share the copiers, et cetera. Pea Pod is the newest company now that has, I think, over three hundred people that are working for them. They are a graduate of an incubator service, and we think that this will be very helpful for small businesses in the area.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jacobs.

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SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Jacobs.

SENATOR JACOBS:

Senator, I don't have a lot of problems with what you're trying to do. In fact, I think it's a good idea, but I'm a little surprised that Senator Rauschenberger hasn't got up and screamed on this bill, too, from the standpoint that why are we allowing DCCA to retain five percent of those earnings? We're only giving a ninety-five percent grant of fifty-percent. I mean, why are we allowing that to happen? Don't we do a good enough job? Doesn't Senator Rauschenberger give them enough money in DCCA to be able to administer these programs? Why are we doing that?

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

We would not want to have an unfunded mandate. The five percent is only for DCCA's administrative costs.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

I understand that but, you know, it's -- it's an agency that we fund, and it would seem to me that if -- if we can get some

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sort of a handle on the dollars that the five percent would equate to and -- and that knowing that DCCA doesn't have enough people to do the work that they need to do now, that maybe we'd give them some more money and give the -- and then not mess around with this five percent rebate to 'em. I just think that's a portion of it to where it's another case where the Department comes in, figures out another way to get a few bucks out of a program. It's a -- looks to be a darned good program, and I just think that that's part of the bill that I think I would like to see removed.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker, response?

SENATOR PARKER:

Actually, what -- this five percent goes to their administrative costs. We think it is actually a better thing to do because it doesn't cost our government spending anymore than it should, and the cost comes from the actual program, which we think is a better way to do it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, this bill was fairly controversial in the House, and I notice that there has been a Senate amendment. Can you tell me how the Senate amendment approved the -- improved the bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

I'm really unaware that it was controversial in the House. Okay. The amendment gave it the sunset provision of five years

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and the five percent to DCCA.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Collins.

SENATOR COLLINS:

Senator Parker, are you aware of how many incubation -- incubators we have now in the State, and are they all located in enterprise zones?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

There are twenty-two incubators. I really don't know exactly where they are all located. Normally these incubators -- normally the incubators can be in depressed areas and that's why it's good to bring these smaller business in, because it does help those areas.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

Yeah. But I -- I was listening to your debate. I clearly understand what incubators are, because I've proposed, when we had -- Democrats had control over the House and Senate, a whole economic development plan which included incubators. And of course, to the wisdom of my Democratic colleagues, on both sides of the aisle, they never passed the bill. So I'm not opposed to incubators. What size -- how many businesses are you talking about in -- in one location and -- and are you just talking high-tech? Because I -- you mentioned something about high-tech kinds of business ventures.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

I don't really have a number on how many business ventures can

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be in an incubator. I guess it would depend on how many the actual building can hold. But there are twenty-two around the State and -- as far as the actual building facility goes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

Are you changing existing laws in any way that -- that would infringe upon the operation of -- of the incubators that exist now? Because there is one that feeds off of my district, and I would really like to know whether or not you're making any changes. I notice that the taxes -- State tax write-off is up to fifty percent in this particular bill. Is -- and I can't recall, under the current law, incubator projects, is it the same, or are you giving these people more advantage for high-tech than for the other incubation projects?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

This actually gives them more of an advantage and will hopefully allow them to expand and improve their facilities, because we are taking fifty percent of the income that comes from the businesses in the incubators and that can be put aside for a fund to improve the incubators. So, actually, this is an asset for them, asked by them, and we think will help actually for them to expand.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

Okay. It may not be a bad idea, but what I -- what I would like to know, what role does the community play into what kind of incubators would -- would -- businesses would -- would -- would be housed in the incubator and what role will they play in making

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that determination?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

This does not change at all the role that the local communities presently have with the incubators. All this does is allow them to access more money so that they can have money for their capital. For example, they can renovate lab space or maintain -- when they maintain older buildings, and create additional space. So all this does is not really change anything they're doing now, except give them the opportunity to have access to monies so that they can improve and have larger, better space for the businesses in the incubators.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR PARKER:

I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Question is, shall House Bill 2061 pass. Those in favor will vote Aye. Opposed, 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 50 Ayes, 7 Nays, none voting Present. House Bill 2061, having received the required constitutional majority, is declared passed. Senator Radogno seeks leave of the Body to return House Bill 2132 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 2132. Madam Secretary, are there any Floor amendments approved -- any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Radogno.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Madam President. This amendment just addresses three concerns raised by the Education Committee. Specifically, it adds a designation as to who is responsible for reporting; secondly, adds time frames; and thirdly, specifies penalties.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Obama, on Senate Bill -- or, House Bill 2147. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2147.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Obama.

SENATOR OBAMA:

Thank you very much, Madam President, Ladies and Gentlemen of the Senate. House Bill 2147 is part of a continuing effort to deal with youths -- juvenile crime in Cook County. It creates a consortium to work together on youth crime prevention programs across the State. It will create internships where children can be matched with role models to keep them on the straight path. This bill is matched with another piece of legislation that establishes a voluntary peer jury program, which has already

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proved successful in Cook County. There's been no opposition to this bill. It passed unanimously out of committee. I'd ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 2147 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, 1 Nay, none voting Present. House Bill 2147, having received the required constitutional majority, is declared passed. Senator Cullerton, on House Bill 2152. Out of the record. Senator Klemm, on House Bill 2161. Senator Klemm? Out of the record. Senator... Senator Mahar, on House Bill 2164. Out of the record. Senator Maitland, on House Bill 2171. Senator Maitland. Out of the record. Senator Fitzgerald, on House Bill 2201. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2201.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Bill 2201 is supported by the Taxpayers' Federation of Illinois and the Department of Revenue. It makes a number of technical changes to the Service Use Tax Act to make the administration of the manufacturers' purchasing credit easier, and I'd appreciate favorable consideration.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing

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none, the question is, shall House Bill 2201 pass. Those in favor will vote Aye. Opposed, 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 Nay, none voting Present. House Bill 2201, having received the required constitutional majority, is declared passed. Senator O'Malley, on House Bill 2211. Out of the record. Senator Dillard, on House Bill 2215. Out of the record. Senator Fitzgerald, on House Bill 2223. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2223.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Bill 2223 amends the Military Code of Illinois. It provides that any monies in the Federal Support Agreement Revolving Fund that are appropriated to pay for weekly allowances for students in the Lincoln's Challenge Program may deposit -- may be deposited by the Department of Military Affairs into a savings and loan association or State or national bank in this State. This was done in order so that they not be out of compliance with an audit finding and provides that those monies shall be managed by the Department of Military Affairs in accordance with certain laws, rules and regulations. It's just a cleanup so that the Department is in compliance with -- with the auditing report. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 2223 pass. Those in favor

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will vote Aye. Opposed, 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, no Nays, none voting Present. House Bill 2223, having received the required constitutional majority, is declared passed. Earlier today we had leave of the Body to go back to pick up Senator Karpriel's bills on 3rd Reading while she was presiding. We will return to page 2 of your Calendar. House Bills 3rd Reading. We will go to House Bill 56. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 56.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpriel.

SENATOR KARPIEL:

Thank you, Madam President. It's a very simple bill. It amends the Children and Family Services Act and requires DCFS to provide information on a child's delinquent background to the child's foster care providers. DCFS is currently providing this background information under administrative rule and wishes to codify the procedure. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 56 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. House Bill 56, having received the required constitutional majority, is declared passed. The top of page 3, under House Bills 3rd Reading, is House Bill 165. Senator Karpriel. Out of the record. All right. Page 7 on your Calendar

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is House Bill 1174. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1174.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpiel. Senator Karpiel. Out -- out of the record. With leave of the Body we will return to page 6 for House Bill 927. Senator Cullerton. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 927.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you, Madam President, Members of the Senate. This bill is an attempt to protect against harassment resulting from service in the courts on jury -- on juries by expanding the current law to include family members - the current law that prohibits the harassment of jurors and witnesses. This bill would simply expand it to family members. This was brought to my attention -- although it was introduced in the House, was brought to my attention from a judge in Cook County who had experienced a -- a defendant who had represented himself and had access, of course, to all of the jurors' records, and the -- you can't deny that person the right to have access to the records, but the -- in looking at the current Statute with regard to harassment of -- of witnesses, it was felt it would be helpful to expand it to also include the family members. So I'd ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there any discussion? Seeing none,

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the question is, shall House Bill 927 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. House Bill 927, having received the required constitutional majority, is declared passed. Senator Lauzen, for what purpose do you rise?

SENATOR LAUZEN:

Thank you, Madam President. I'd like the record to reflect that on House Bill 2201, I -- I would like to be recorded as an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The record -- electronic record will so reflect. Senator Peterson, for what purpose do you rise?

SENATOR PETERSON:

For the purposes of an announcement.

PRESIDING OFFICER: (SENATOR DONAHUE)

We're not finished yet...

SENATOR PETERSON:

All right.

PRESIDING OFFICER: (SENATOR DONAHUE)

...Gentlemen and Ladies. Hang tight. We're going to attempt to do 2nd Readings, get bills in the posture so we can move them. So that's where we are right now. And on 2nd Reading, there are -- for Members that have amendments, they can be adopted, we would suggest you call them. Let's get them in 3rd Reading posture, ready for final passage. Senator Karpiel, on House Bill 66. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 66.

(Secretary reads title of bill)

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

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reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Dillard. Senator Dillard, on House Bill 70. Out of the record. Senator Lauzen, on House Bill 228. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 228.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Maitland, on House Bill 260. Out of the record. Senator Walsh, Thomas Walsh, on House Bill 274. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 274.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Walsh, Thomas Walsh.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Thomas Walsh, on Amendment No. 2, to House Bill 274.

SENATOR T. WALSH:

Thank you, Madam Speaker. Amendment No. 2 was heard yesterday in committee and was voted out, I don't believe with any -- any

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negative votes. And I would just ask for its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

ACTING SECRETARY HAWKER:

Amendment No. 3, offered by Senator Molaro.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro, on Amendment No. 3. Senator Molaro. Senator Berman, for what purpose do you seek recognition?

SENATOR BERMAN:

To ask for leave to present this bill on behalf of -- the amendment on behalf of Senator Molaro.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Berman has asked leave of the Body to hold -- to present this amendment. Is leave granted? Leave is granted. Senator Berman, on Amendment No. 3 to House Bill 274.

SENATOR BERMAN:

Thank you, Madam President. This amendment adds provisions to require all applicants for professional licenses to include the applicant's Social Security Number on the application and on renewal and restoration applications. It's a request from -- or, supported by the Department of Professional Regulation.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

ACTING SECRETARY HAWKER:

No further amendments adopted.

PRESIDING OFFICER: (SENATOR DONAHUE)

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3rd Reading. Senator Sieben, on House Bill 282. Out of the record. Senator Lauzen, on House Bill 310. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 310.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Are there Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Luechtefeld, on House Bill 483? Out of the record. Senator Bomke, on House Bill 558. Senator Bomke. Out of the record. House Bill 574. Senator Petka? Senator Petka? Out of the record. House Bill 674. Senator Sieben. House Bill 674. Senator Sieben. Out of the record. Senator Dudycz, on House Bill 768. Out of the record. Senator Maitland, on House Bill 898. Senator Maitland. Out of the record. Senator Thomas Walsh, on House Bill 922. Out of the record. Senator Hawkinson, on House Bill 995. Out of the record. Senator Link, on House Bill 1029. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1029.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Hawkinson, on House Bill 1101. Out of the record. House Bill 1141. Senator Bowles. Read the bill, Madam Secretary.

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ACTING SECRETARY HAWKER:

House Bill 1141.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Are there Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Cullerton, on House Bill 1151. Senator Cullerton. Out of the record. Senate -- Senator Sieben, on House Bill 1373. Out of the record. Senator Clayborne, on House Bill 1513. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1513.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Are there Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Watson, on House Bill 1526. Out of the record. Senator Farley, on House Bill 1589. Senator Farley. Out of the record. Senator Madigan, on House Bill 1881. Out of the record. Senator Hawkinson, for what purpose do you rise?

SENATOR HAWKINSON:

Purpose of two announcements, Madam President. First of all, all the Judiciary Committee Members will be overjoyed as I remind them that we have a 7 a.m. meeting tomorrow morning on juvenile

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justice, a joint meeting with the House, in Room 118. That's 7 a.m. And then we have a regular Judiciary meeting to consider amendments at 4 p.m., in Room 400. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

7 a.m., and at 4 p.m. Senator Syverson, for what purpose do you rise?

SENATOR SYVERSON:

Thank you, Madam President. An announcement. The Public Health Committee will meet at 9:30, in Room 400. 9:30, 400.

PRESIDING OFFICER: (SENATOR DONAHUE)

Public Health, 9:30, Room 400. Senator Cronin, for what purpose do you rise?

SENATOR CRONIN:

The Senate Education Committee will meet at 9 o'clock tomorrow morning in Room 212.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate Education, Room 212, 9 o'clock. Senator Peterson, for what purpose do you rise?

SENATOR PETERSON:

Purposes of an announcement, Madam Speaker -- President. The Revenue Committee will meet tomorrow morning at 8 a.m., in Room 400.

PRESIDING OFFICER: (SENATOR DONAHUE)

Room 400, Senate Revenue, at 8 a.m. Senator Butler, for what purpose do you rise?

SENATOR BUTLER:

For the purpose of announcing that Local Government Committee will meet at 9:30 a.m., in Room A-1. Local Government, 9:30, A-1.

PRESIDING OFFICER: (SENATOR DONAHUE)

Local Government, 9:30, A-1. Senator Fitzgerald, for what purpose do you rise?

SENATOR FITZGERALD:

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Purpose of an announcement, Madam President. The State Government Operations Committee will meet on Friday morning, at 8 a.m, in Room A-1. Friday - not tomorrow - Friday morning at 8 a.m. There will be a few Floor amendments for our consideration. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland, for what purpose do you seek recognition?

SENATOR MAITLAND:

Thank you very much, Madam President. For the purpose of an announcement. On behalf of the Chairman -- Chairman Mahar, the Senate Committee on Energy and Environment will meet in Room 212, at 8 a.m., tomorrow morning.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan, for what purpose do you rise?

SENATOR MADIGAN:

Thank you, Madam President. Purpose of an announcement.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state that.

SENATOR MADIGAN:

The Senate Insurance and Pensions Committee will meet at 9:30 a.m., tomorrow morning, in Room 212, for the purpose of considering Floor amendments. 9:30, Room 212.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Sieben, for what purpose do you rise?

SENATOR SIEBEN:

Thank you, Madam President. The Senate Ag and Conservation Committee will meet at 8 a.m., tomorrow morning, Room A-1 in the Stratton Office Building. Ag and Conservation, 8 a.m, tomorrow morning.

PRESIDING OFFICER: (SENATOR DONAHUE)

Committee Reports.

ACTING SECRETARY HAWKER:

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Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures, have been assigned: Referred from the -- Re-refer from Executive Committee to Rules Committee - Senate Amendment No. 1 to House Bill 679; refer to Agriculture and Conservation Committee - Senate Amendments No. 2 and 3 to House Bill 674 and Senate Amendment No. 1 to House Bill 1051; refer to Commerce and Industry Committee - Motion to Concur with House Amendment No. 1 to Senate Bill 469; refer to Education Committee - Senate Amendment No. 1 to House Bill 574 and Senate Amendment No. 1 to House Bill 898; refer to Environment and Energy Committee - Senate Amendment No. 1 to House Bill 1230; refer to Financial Institutions Committee - Motion to Concur with House Amendment No. 1 to Senate Bill - pardon me, 794; refer to Insurance and Pensions Committee - Senate Amendment No. 1 to House Bill 23, Senate Amendment No. 2 to House Bill 223, Senate Amendment No. 1 to House Bill 313, Senate Amendment No. 1 to House Bill 586, Senate Amendment No. 2 to House Bill 593, and Senate Amendments 1, 2, 3 and 4 to House Bill 1881; refer to Licensed Activities Committee - Motion to Concur with House Amendment No. 1 to Senate Bill 1073; re-refer to Local Government and Elections Committee - Motion to Concur with House Amendment No. 1 to House -- to -- pardon me, to Senate Bill 1118; refer to Public Health and Welfare Committee - Senate Amendment No. 1 to House Bill 1344, Senate Amendment No. 1 to House Bill 1699; refer to the Revenue Committee - Senate Amendment No. 2 to House Bill 528, Senate Amendment No. 2 to House Bill 847, and Senate Amendment No. 4 to House Bill 1513; refer to State Government Operations Committee - Senate Amendments 1 and 2 to House Bill 1757; and Be Approved for Consideration - Senate Amendment No. 1 to House Bill 353, Senate Amendment No. 1 to House Bill 679, Senate Amendment No. 1 to House Bill 1118, and Senate Amendment No. 1 to House Bill 1121, and Senate Amendment No. 1 to House Bill 1400.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Resolutions.

ACTING SECRETARY HAWKER:

Senate Resolution 76, offered by President Philip.

It's substantive.

And Senate Resolutions 77 and 78, both offered by Senator Severns and all Members.

They're death resolutions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Consent Calendar. ...there any further business to come before the Senate? If not, Senator Sieben moves that the Senate stand adjourned until 11 a.m., Thursday, May 15th. That's 11 a.m., Thursday, May 15th. The Senate is adjourned.

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