

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

45th Legislative Day

May 14, 1999

PRESIDENT PHILIP:

The regular Session of the 91st General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? Our prayer today will be given by Dr. Hugh A. Reynolds, Jr., Interim Senior Pastor, First Christian Church, Springfield, Illinois. Dr. Reynolds.

DR. HUGH A. REYNOLDS, JR.:

(Prayer by Dr. Hugh A. Reynolds, Jr.)

PRESIDENT PHILIP:

Please remain standing for the Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal. Senator Myers.

SENATOR MYERS:

Mr. President, I move that reading and approval of the Journals of Tuesday, May 11th; Wednesday, May 12th; Thursday, May 13th, in the year 1999, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Myers moves to -- to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. Senator Sullivan, for what purpose do you rise?

SENATOR SULLIVAN:

Point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR SULLIVAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As the youngest of eight children, I would like to welcome my

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oldest sister, Maureen, and her husband, Jim, and their daughter, Kaitlin, and -- on the Floor with me, my nieces, Colleen and Lisa, to Springfield.

PRESIDENT PHILIP:

Please stand and be recognized by the Senate. House Bills 1st Reading.

SECRETARY HARRY:

House Bill 881, offered by Senator Dillard.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDENT PHILIP:

May I have your attention, please? We're going to go to Secretary's Desk, Concurrence in Senate Bills, on the bottom of page 15, and it's the intention of the Chair to do as much paperwork as we can. Probably do 3rd Readings one more time today. Once we go through the Calendar one more time, adios, we're on our way. The sooner, the better, as far as I'm concerned. So you better be in your seats. You better pay attention, because you're not going to get another shot at one of your bills on 3rd Reading. All right. The middle of page 15. Secretary's Desk, Concurrences, for the purpose of nonconcurring. Senate Bill 19. Senator O'Malley. Read the motion, Mr. Secretary.

SECRETARY HARRY:

I move to nonconcur with the House in the adoption of their Amendments 1, 2 and 3 to Senate Bill 19.

The -- the motion filed by Senator O'Malley.

PRESIDENT PHILIP:

Any discussion? Any discussion? If not, Senator O'Malley moves to nonconcur in House Amendment(s) 1, 2 and 3. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The motion is carried. The -- the Secretary shall inform the

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House. Senate Bill 24. Senator Mahar. Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to nonconcur with the House in their adoption of Amendment No. 1 to Senate Bill 24.

The motion, by Senator Mahar.

PRESIDENT PHILIP:

Senator Mahar moves to nonconcur in House Amendments {sic} No. 1. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The motion carries. The Secretary shall so inform the House. On the bottom of page 16. Senate Bill 168. Senator Rauschenberger. Senator Rauschenberger. Take it out of the record. Senate Bill 338. Senator Peterson. ...the bill, Mr. Secretary.

SECRETARY HARRY:

I move to nonconcur with the House in the adoption of their Amendment No. 1 to Senate Bill 338.

The motion filed by Senator Peterson.

PRESIDENT PHILIP:

Any discussion? Any discussion? If not, Senator Peterson moves to nonconcur in House Amendment No. 1 to Senate Bill 338. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The motion carries. The Secretary shall so inform the House. The top of page 18. Senate Bill 457. Senator Syverson. Senator Syverson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to nonconcur with the House in the adoption of their Amendment No. 2 to Senate Bill 457.

The motion filed by Senator Syverson.

PRESIDENT PHILIP:

Any further discussion? Further discussion? If not, Senator Syverson moves to nonconcur in House Amendment No. 2 to Senate

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Bill 457. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The motion is carried, and the Secretary shall so inform the House. The top of page 19. Senate Bill 648. Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to nonconcur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 648.

The motion, by Senator O'Malley.

PRESIDENT PHILIP:

Any discussion? Any discussion? If not, Senator O'Malley moves to nonconcur in House Amendment(s) 1 and 2 on Senate Bill 648. All those in favor will signify by saying Aye. Those opposed, Nay. The Ayes have it. The motion carries. The Secretary will so inform the House. House Bills 3rd Reading. The top of page 5. House Bill 5. Senator Rauschenberger. Take it out of the record, with leave to return later on today. Is leave granted? Leave is granted. House Bill 31. Senator O'Malley. House Bill 31. Senator O'Malley. ...Bill 31. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 31.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 31, as amended, represents Governor Ryan's "10-20-life" initiative in -- in the same form as Senate Bill 1112 has been amended in the House. I'll be happy to answer any questions there may be.

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Any further discussion? Any further discussion? If not, Senator O'Malley, to close. All right. The question is, shall Senate -- excuse me, House Bill 31 pass. Those in favor will signify by saying Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 57 Ayes, no Nays. House Bill 31, having received the required constitutional majority, is declared passed. House Bill 52. Senator Rauschenberger. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 52.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would request leave of the Body to return to House Bill 52 and House Bill 5 a little later today when we do appropriations.

PRESIDENT PHILIP:

Is leave granted? Leave is granted. House Bill 63. Senator Watson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 63.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Watson.

SENATOR WATSON:

Yes. Thank you very much, Mr. President. This amendment creates the Airport Land Loan Revolving Fund, and this is for the purpose of real estate interests as may be needed by essential

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airport purposes, including future needs. This would establish a revolving loan program for our airports. We amended this yesterday with -- the Department of Transportation asked for an amendment and we did put an amendment on there that included the -- all airports in the State of Illinois, with the exception of O'Hare, Midway and any airport not operating as of January 1st of 1999. And that would exclude Peotone.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not, Senator Watson, to close. All right. The question is, shall House Bill 63 pass. All those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. 58 Yeas, no Nays. House Bill 63, having received the required constitutional majority, is declared passed. House Bill 80. Senator Maitland. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 80.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President. House Bill 80, as amended, changes the ability -- the eligibility for the MRS program, the Merit Recognition Scholarship. Effective on July 1, 2000 it will be a one thousand, onetime award to high school seniors who qualify either on the basis of their class rank or college placement test score. The MRS program will continue to be administered by ISAC. In Senate Amendment No. 2, we addressed some concerns that Members had in committee, in that we restored the nonmonetary State Scholar program, which had been eliminated

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by Senate Amendment No. 1. And at the suggestion of Senator Sieben, it restores the current name of the program, Merit -- Merit Recognition Scholarship. I know of no opposition. I would appreciate the support of the Body.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? Senator Maitland, to close. All right. The question is, shall House Bill 80 pass. All those in favor will signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. There are 58 Yeses, no Nays. House Bill 80, having received the required constitutional majority, is declared passed. House Bill 92. Senator Mahar. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 92.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. A technical amendment was added to this. The purpose, we hope, is for this to go back to the House and be put in conference. It's a shell bill at this time.

PRESIDENT PHILIP:

Further discussion? Further discussion? Senator Mahar, to close. All right. We've got the right bill. I'm sorry about that. Further discussion? If not, Senator Mahar, to close? All right. The question is, shall House Bill 92 pass. All those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. 52 Yeses, 5 Noes. House Bill 92, having received the required constitutional majority, is declared passed. House Bill

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105. Senator Clayborne. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 105.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President and Members of the Senate. House Bill 105 allows a physically impaired person who uses an assistance animal or the owner of an assistance animal may bring a cause of action for damages against any person who steals or, without provocation, attacks such an animal. They will also be allowed in their civil action to receive damages against any person who causes the animal to be exposed to harmful chemicals where the person reasonably -- I mean, the person responsible for the exposure knew or had reason to know the assistance animal would be present and that the chemical would be harmful to the assistance animal. I'm open for any questions. I would ask for your favorable vote.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not, Senator Clayborne, to close. All right. The question is, shall House Bill 105 pass. All those in favor, signify by saying {sic} Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. There are 57 Yeses, no Nays. House Bill 105, having received the required constitutional majority, is declared passed. House Bill 133. Senator Madigan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 133.

(Secretary reads title of bill)



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3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Madigan.

SENATOR R. MADIGAN:

Thank you, Mr. President, Members of the Senate. House Bill 133, as amended, is a vehicle. Hopefully we can put it into conference and have a report back to this Body next week with an agreement on the retired teachers' health insurance. I would ask for approval of House Bill 133, as amended.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not, the question is, shall House Bill 133 pass. All those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. 57 Ayes, no Nays. House Bill 133, having received the required constitutional majority, is declared passed. House Bill 134. Senator Lauzen. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 134.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President and Members of the Senate. House Bill 134, as amended, freezes the assessed value of parcels owned by veterans' organizations at eighty-five percent of their current assessed value. Be happy to answer any questions. Appreciate a Yes vote.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not, the question is, shall House Bill 134 pass. All those in favor will

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vote Aye. Those opposed, Nay. The voting is open. Have you all voted your wish? Has everybody voted who wish? Take the record. 59 Yeas, no Nays. House Bill 134, having received the required constitutional majority, is declared passed. House Bill 152. Senator Dillard. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 152.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. I would like leave of the Body to come back to this bill later today.

PRESIDENT PHILIP:

Is leave granted? Leave is granted. House Bill 161. Senator Madigan. Take it -- take it out of the record. House Bill 279. Senator Walsh. Take it out of the record. House Bill 303. Senator Rauschenberger. Senator Rauschenberger. Take it out of the record. House Bill 305. Senator Radogno. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 305.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President, Members of the Senate. House Bill 305 is the negotiated bill on TIF reform. It has numerous changes contained in it, but there's five major ones. It contains better definitions on eligibility and expenditures. It provides

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protections to residents, especially low-income residents, who live in a TIF area. There's increased reporting. There's a formula to provide financial assistance to school districts that receive students generated from a TIF area. And there's an increased role for the Joint Review Board. This has been a very contentious issue, as many of you know, so I'd like to read the list of people that are currently in favor of this final version of the bill: the Illinois Municipal League, the State Bar Association, the State Chamber of Commerce, the Bankers Association, Association of Realtors, Chicago Bar Association, Illinois Government Finance Association, Chicagoland Association of Commerce and Industry, Illinois Development Council, Chicago Southland Development Council, Home Builders Association, City of Chicago, Metropolitan Planning Council, Civic Federation; South Suburban, West Central, DuPage, Lake County, Northwest Municipal groups; the Statewide Housing Action Coalition...

PRESIDENT PHILIP:

Senator Radogno, you've convinced us.

SENATOR RADOGNO:

I -- I haven't gotten to all the opposition people yet.

PRESIDENT PHILIP:

You know, you can forget the second or third page.

SENATOR RADOGNO:

Oh, these were people formerly opposed that aren't -- all the education groups and other taxing bodies that have also signed in in favor.

PRESIDENT PHILIP:

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

SENATOR RADOGNO:

Please vote Aye.

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Very good. The question is, shall House Bill 305 pass. All those in favor, vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. 58 Ayes, no Nays. House Bill 305, having -- 1 -- 1 Nay. Excuse me, 1 Nay. House Bill 305, having received the required constitutional majority, is declared passed. Top of page 6. House Bill 306. Senator Radogno. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 306.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. House Bill 306 amends what's commonly known as the Industrial Jobs Recovery Act. It extends the sunset provisions for ten years. There's also other changes in the bill in terms of definitions, accountability, expenditures that mirror the changes in the TIF bill that we just voted on. I know of no opposition.

PRESIDENT PHILIP:

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

SENATOR RADOGNO:

I ask for a favorable vote.

PRESIDENT PHILIP:

All right. The question is, shall House Bill 306 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted your wish? 58 -- 59 Yeses, no Nays. House Bill 306, having received the required constitutional majority, is declared passed. House Bill 373.

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Senator Rauschenberger. Take it out of the record. House Bill 452. Senator Mahar. Senator Mahar. Take it out of the record. House Bill 462. Senator O'Malley. Senator O'Malley. Take it out of the record. House Bill 470. Senator Petka. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 470.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Petka.

SENATOR PETKA:

Thank you, Mr. President, Members of the Senate. House Bill 470 exempts regional superintendents from figuring a tax withholding structure into their fee to workshop presenters. I move for its adoption.

PRESIDENT PHILIP:

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

SENATOR PETKA:

I urge an Aye vote.

PRESIDENT PHILIP:

The question is, shall House Bill 470 pass. All those in favor, vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted your wish? 58 Ayes, 1 Nay -- excuse me. 59 and no Nays. House Bill 470, having received the required constitutional majority, is declared passed. House Bill 520. Senator Parker. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 520.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDENT PHILIP:

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 520 is an agreed-to bill between the auto manufacturers and the dealers. It grants the dealers thirty days to file a protest. Adds a standard of reasonableness on recovery, and also it has a provision regarding the reimbursement of parts at the dealer's retail rate. And I would ask for a favorable vote and answer any questions.

PRESIDENT PHILIP:

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

SENATOR PARKER:

I would ask for a favorable vote.

PRESIDENT PHILIP:

All right. The question is, shall House Bill 520 pass. All those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. 59 Yeses, no Nays. House Bill 520, having received the required constitutional majority, is declared passed. House Bill 733. Senator Watson. I'm sorry. House Bill 523. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 523.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Bowles.

SENATOR BOWLES:

Thank you, Mr. President, Members of the Senate. The underlying bill authorizes non-home (rule) municipalities, by

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front-door referendum, to impose a local sales tax for public infrastructure. I would appreciate it if you would give me a positive vote on this issue so that it can go to the House. We will continue to work on it. The amendment that is on it now -- sunsets at the end of ten years, but we have an agreement that we will continue to -- to work on this and it will come back and go to conference committee. I would ask for an affirmative vote.

PRESIDENT PHILIP:

Further discussion? Senator Radogno.

SENATOR RADOGNO:

Thank you. I have a question of the sponsor.

PRESIDENT PHILIP:

Indicates she will.

SENATOR RADOGNO:

Is the only issue still out there the sunset issue? Is that what you'll be continuing to work on? Okay. Thank you. And...

PRESIDENT PHILIP:

Senator Bowles.

SENATOR BOWLES:

...me. Sorry.

PRESIDENT PHILIP:

Senator Bowles.

SENATOR BOWLES:

I wasn't watching. I'm sorry. The sunset issue is still the only issue that's there, and we do have language that we will -- we are planning to put on that satisfies some of the objections that some of the Members had.

PRESIDENT PHILIP:

Senator Radogno.

SENATOR RADOGNO:

Thank you. In that case, I have a comment. I rise in opposition to this. It seems to me that even with the front-door

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provision for a referendum, the folks that are voting on a local sales tax are not necessarily the people paying the local sales tax, as we often encourage outsiders to come in and shop in the stores. So I would urge a No vote on this bill.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I think this is a serious bill and it does provide for a front-door referendum. The people can decide what they want to do. I think it's critical in many areas. It does apply to trying to get the infrastructure work in the various areas of the municipalities. I speak in favor of the bill.

PRESIDENT PHILIP:

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. And I know we're in a hurry to get out of here today, but sometimes this Body astonishes me. I rise in support of this bill. This is a front-door referendum, and we always love to say, "Let's let local government make decisions," or, "Trust your local voters," or, -- whether it's the property tax cap, "Hey, let the voters decide by referendum." Jiminy Christmas, this is a referendum by local voters. I got to also tell you, we're always here saying, "Let's reduce property taxes." If we give the municipalities, who know a lot better than we do -- some hundred or two hundred miles from Springfield -- what they need, maybe they can reduce their property taxes by replacing it with sales taxes. I first got a glimpse of this bill from a municipality down in Senator Bowles' area that's right across the Mississippi River, and they want to make some infrastructure improvements. And this bill will be limited to infrastructure improvements, the kinds of things that -- or, Governor Ryan has



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told us the State of Illinois grossly needs. Believe me, local governments need infrastructure improvements from time to time, too. But this community came to me and said, "Will you help Evelyn Bowles? We would like to make some minor infrastructure improvements so that we could bring jobs across the river into Illinois from Missouri." So sometimes this place just astonishes me that we talk out of both sides of our mouth. We say we trust our local residents to make informed decisions via referendum. We tell 'em to lower property taxes. This might give 'em a vehicle to lower property taxes. We say we want to compete for jobs from Wisconsin or Missouri or Kentucky, and this might give some border towns the ability in Illinois to do that. And this deals with infrastructure, and I don't think there's a Member in this Body that doesn't believe that Illinois, an older state, needs infrastructure improvements. My God, it's a front-door referendum. How can you be against this? I say, let the lady try to work this out and come back next week with a proposal.

PRESIDENT PHILIP:

Senator Klemm.

SENATOR KLEMM:

Well, thank you, Mr. President. I guess if we believed in the last speaker, then we would eliminate all caps on all taxes and let everybody just raise 'em, because it would be by referendum. And I think we do have some concerns. My concern isn't on that issue, though. My concern is that, what happens if it doesn't go to conference committee? Now, when this came through, I think, the Labor and Commerce Committee, it was indicated that it was going to conference. How do we know that the sponsor will not concur, that you'll be doing what you say? Otherwise, this sails right to the Governor. Do we have that assurance from the sponsor? And it is a question.

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Senator Bowles.

SENATOR BOWLES:

Yes, you have that assurance from me, as the sponsor, and from Senator Dillard, as the cosponsor on this bill. This is the plan, to bring it back, to go to conference committee, because there is an amendment which would specify that it -- with its successful passage of the front-door referendum, the sales tax would not start until two years after the successful passage.

PRESIDENT PHILIP:

Senator Rauschenberger. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Very briefly, I rise in support of the bill, as amended. And actually, unlike my colleague, Senator Klemm, hope it doesn't go to conference. I'm not a big taxer, I would hope people would realize, but the issue of permitting non-home rule communities to make local decisions is a reasonable question. At the request of the sponsor and cosponsor, currently is inserted a ten-year sunset. With the discussion going on at the national level, as well as the State level, about whether sales taxes really have applicability in the future with electronic commerce and what's going on with the Internet, and -- and tax changes that may be necessary the next three to five years, it's important for everybody to know that the Municipal League has tried to be cooperative and work with us on this and recognize that there may be some problems with the tax source in the future. We don't want to end up in the same position of trying to restore a taxing right to local governments that we had in the utility deregulation. So, actually, I hope the House does concur. I like the structure with the ten-year sunset, but I know the sponsor has worked very hard on it.

PRESIDENT PHILIP:

Further discussion? Further discussion? If not, Senator

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Bowles, to close.

SENATOR BOWLES:

Thank you, Mr. President. I would just ask for an affirmative vote.

PRESIDENT PHILIP:

All right. The question is, shall House Bill 523 pass. All those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted your wish? Have you all voted your wish? Take the record. There are 44 Yeses, 14 Nays. House Bill 523, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR WATSON)

Page -- page 6. House Bill 526. Senator Parker, for what purpose do you rise?

SENATOR PARKER:

For a point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

State your point.

SENATOR PARKER:

I would like to introduce, in the President's Gallery, constituents of mine, Edward and Sara Sampson, and their daughter, Barbara, is here -- no -- their daughter, Jenny, is here, and she is my Page for the Day.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Well, we're certainly glad to have you in Springfield. Will our guests please rise? Welcome to Springfield. Will the Senate please acknowledge our guests? House Bill 526. Senator Dudycz. Madam -- or, Mr. Secretary, please read the bill.

SECRETARY HARRY:

House Bill 526.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCH:

Thank you, Mr. President. House Bill 526 is an initiative of the Cook County State's Attorney addressing the problem of street gangs' use of cloned electronic devices, such as pagers, to gather information on law enforcement investigations. During negotiations on the language, the -- the Judiciary Committee found some problems with it. I appreciate Senator Hawkinson and Senator Cullerton helping me with putting the -- this bill in the proper language, and I believe it has no opposition. I would seek your support.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Any discussion? If not, the question is, shall House Bill 526 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, no voting No, no voting Present. House Bill 526, having received the required constitutional majority, is declared passed. House Bill 606. Senator Weaver? Out of the record. House Bill 619. Senator Burzynski? Please read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 619.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the pawnbrokers' Act. Basically went through it yesterday

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on 2nd Reading, but there are five amendments that have been adopted. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 619 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 No, no voting Present. House Bill 619, having received the required constitutional majority, is declared passed. Madam Secretary, please read the bill. House Bill 658.

ACTING SECRETARY HAWKER:

House Bill 658.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. House Bill 658 is the bill which would place rental equipment -- for -- used in construction under the Mechanics Lien Act. Yesterday, I stood here on the Floor to try to describe the amendment, but since then, I have had word that the amendment may be written so as to do what we don't want to do, and that would be to take the Home Builders, who are in support of the bill, as amended, but it would take the Home Builders out of the entire Mechanics Lien Act, which is not what we intended. So this is going to go to the House. Anyway, it has to have another amendment put on about a written contract being put into the Act, but I'm asking for you to vote for it, to pass it to the House, to put it in conference, try to get the wording straightened out, and if not, I won't be bringing it back again.

PRESIDING OFFICER: (SENATOR WATSON)

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Any discussion? Any discussion? If not, shall House Bill 658 pass. All those in favor, vote Aye. Opposed, vote No. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 voting Yes, 7 voting No, no voting Present. House Bill 658, having received the required constitutional majority, is declared passed. House Bill 733. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 733.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Watson.

SENATOR WATSON:

Yes. Thank you very much, Madam President. 733 is a -- a vehicle. It remains a vehicle. We put a -- an amendment on it, immediate effective date. We are continuing to try to establish some collaboration between three southern Illinois hospital groups to establish a open-heart surgery unit in southern Illinois. It's -- the intention here is to try to create some antitrust incentives or at least some limitations on antitrust, and the negotiations continue to go on between the Attorney General's Office, the hospital groups, the Illinois Hospital Association. No agreement has been reached, and I would appreciate it if we could just keep this moving so that if, in fact, there is some agreement at some point, we can come back and get final passage.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall House Bill 733 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 question, there are 54 voting Aye, 3 voting Nay, none

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voting Present. And House Bill 733, having received the required constitutional majority, is declared passed. House Bill 737. Senator Jones. Out of the record. House Bill 799. Senator Burzynski. Out of the record. House Bill 809. Senator Maitland. Senator Maitland, on House Bill 809? ...the record. With leave of the Body, we'll return to House Bill 809. House Bill 819. Senator O'Malley. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 819.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Bill -- 819, as amended, is an amendment to the Metropolitan Water Reclamation District Act within the Section concerning hearings and penalties for improper discharge into sewers. In particular, it provides that the provisions of the Administrative Review Law apply to all proceedings for the judicial review of final administrative decisions of the Board of Commissioners in the enforcement of any rule, ordinance or regulation adopted under this Act. The bill was amended here in the Senate to add language to amend the -- the Act to provide that persons employed for periods not exceeding seven years under an apprenticeship program shall not be classified under civil service. Be happy to answer any questions. If there are none, I certainly would appreciate your support.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Any discussion? If not, House Bill -- the question is, shall House Bill 819 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish?

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Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On this question, there are 59 voting Aye, none voting Nay, none voting Present. And House Bill 819, having received the required constitutional majority, is declared passed. Senator Parker, for what purpose do you rise?

SENATOR PARKER:

Personal privilege.

PRESIDING OFFICER: (SENATOR KARPIEL)

State your point.

SENATOR PARKER:

I have another constituent up in the balcony I would like to introduce, Barbara Morrow, and Aaron Morrow is here on the Floor with me as a Page. Thank you very much. Barbara, will you stand up, please, and be recognized?

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SENATOR DEMUZIO:

I have an announcement.

PRESIDING OFFICER: (SENATOR KARPIEL)

State your -- make your announcement, yes.

SENATOR DEMUZIO:

Well, today is not the exact date of this person's birthday, it's tomorrow, but there is a cake, I see, in the front of the -- on the Democratic side down in the -- in front of you, Madam President. And it says, happy birthday. And I don't think we have enough candles to put on it. Yesterday was probably the appropriate time when all the firemen were in town, but today we are celebrating, a day early, the twenty-ninth birthday of Senator George Shadid, from Peoria.

PRESIDING OFFICER: (SENATOR KARPIEL)

Happy birthday, Senator Shadid.



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SENATOR DEMUZIO:

And, Madam President, let me just...

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Demuzio.

SENATOR DEMUZIO:

And I've told him that since he didn't get any of us a gift for our birthday, not to expect anything from us either.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Shadid.

SENATOR SHADID:

I want -- I want to thank my esteemed -- I know what I'm going to say. Thank you, Madam President. Senator Demuzio is very bashful. He didn't -- what he said was not actually true. He's the one who bought the cake for me today, but he didn't want anybody to know that.

PRESIDING OFFICER: (SENATOR KARPIEL)

Happy birthday, again. Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned: Refer to Appropriations Committee - Senate Amendment No. 2 to House Bill 2527; refer to Education Committee - Motion to Concur with House Amendment No. 1 to Senate Bill 653; refer to Environment and Energy Committee - Motions to Concur with House Amendments 1 and 2 to Senate Bill 149, and House Amendments 1 and 2 to Senate Bill 423; refer to Executive Committee - Senate Amendment No. 3 to House Bill 452, Senate Amendments 1 and 2 to House Bill 1383, and Motion to Concur with House Amendments 1 and 2 to Senate Bill 331; refer to Insurance and Pensions Committee - Motion to Concur with House Amendment No. 2 to Senate Bill 1024; refer to Judiciary Committee - Motion to Concur with House Amendment No. 1 to Senate Bill 109; refer to Local Government Committee - Motion to Concur

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with House Amendment No. 1 to Senate Bill 1171; refer to Revenue Committee - Motion to Concur with House Amendment No. 1 to Senate Bill 376; refer to State Government Operations Committee - Motions to Concur with House Amendment No. 1 to Senate Bill 359 and House Amendment No. 3 to Senate Bill 805; refer to Transportation Committee - Motion to Concur with House Amendment No. 1 to Senate Bill 898 {sic} (989); and Be Approved for Consideration - Senate Amendment No. 1 to House Bill 303, Senate Amendment No. 3 to House Bill 1622, and Senate Amendment No. 3 to House Bill 1780.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Klemm, for what purpose do you rise? Senator Klemm.

SENATOR KLEMM:

Yes. Thank you, Madam President. The Senate Executive Committee will be meeting in one hour, at 10:38, in Room 212. That's the Senate Executive Committee will meet in 212 -- Room 212 in one hour. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

We will continue on the Calendar. House Bills 3rd Reading. Page 7. House Bill 1113. Senator Robert Madigan. Out of the record. House Bill 1134. Senator O'Malley. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1134.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President, Ladies -- Ladies and Gentlemen of the Senate. House Bill 1134 is the -- is -- is well-known as the double whammy legislation. It has been amended in the Senate to conform -- to conform with the -- with Senate Bill 139, as it was

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amended here in the Senate. I'd be happy to answer any questions there may be, and would seek your support.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Any discussion? If not, the question is, shall House Bill 1134 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. On this question, there are 56 voting Aye, none -- 2 voting Nay, none voting Present. And House Bill 1134, having received the required constitutional majority, is declared passed. House Bill 1175. Senator Luechtefeld. Senator Luechtefeld? House Bill 1175. Out of the record. House Bill -- Senator Maitland, for what purpose do you rise? House Bill 1177. Senator Syverson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1177.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Madam President. 1177 creates the Home Repair and Remodeling Act. I really believe this is great, sweeping language that will make some significant improvements in Illinois. In the past, we've tried to aggressively address the criminal responses to fraudulent activities, but this is a -- a real step in a proactive approach to stop the activities before they begin. What this new law does is three things: one, requires that home contractors must carry insurance; second, requires that there be a written contract on repairs that exceed one thousand dollars, and this contract must include the total cost of parts and materials, any charges for estimates, as well as the business name

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and address, not the P.O. Box address; third, and most importantly, for contracts over a thousand dollars, those individuals engaging in the business of home repair and remodeling must provide a consumer's copy of the brochure entitled "Home Repair: Know Your Consumer Rights". This brochure will give easy-to-read tips on avoiding home repair. This guide must be signed by both the contractor, as well as the homeowner, prior to executing the contract. This legislation has -- was worked out with the Home Builders, the Retail Merchants Association, AARP, and obviously, numerous legislators. Be happy to answer any questions, otherwise ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR KARPIEL)

Indicates he'll yield.

SENATOR WELCH:

Senator Syverson, is the Bar Association and the Trial Lawyers Association still opposed to the bill -- or, neutral on the bill, rather?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Syverson.

SENATOR SYVERSON:

I've not received any correspondence at all that they had any opposition to the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Welch.

SENATOR WELCH:

My analysis says they're neutral. Have you -- did they appear in the committee? Did they send a letter?

PRESIDING OFFICER: (SENATOR KARPIEL)

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Senator Syverson.

SENATOR SYVERSON:

No, there's -- I received no neutral -- or, correspondence from them, one side or the other.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Further discussion? If not, the question is, shall House Bill 1177 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. On this question, there are 57 voting Aye, 1 voting Nay, none voting Present. And House Bill 1177, having received the required constitutional majority, is declared passed. House Bill 1252. Senator Walsh. Thomas Walsh. Read the bill.

ACTING SECRETARY HAWKER:

House Bill 1252.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Walsh.

SENATOR T. WALSH:

Thank you, Madam President. House Bill 1252 amends the Service Contract Act. It excludes a service contract provider who sells motorcycles from certain provisions of the Act. We passed the Service Contract Act last year. It was never our intention to include motorcycles. This corrects that, and I don't know of any opposition.

PRESIDING OFFICER: (SENATOR KARPIEL)

Is there any discussion? If not, the question is, shall House Bill 1252 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 question, there are 59 voting Aye, none voting Nay, none

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voting Present. And House Bill 1252, having received the required constitutional majority, is declared passed. House Bill 1278. Senator Bowles. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1278.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Bowles.

SENATOR BOWLES:

Thank you, Madam President, Members of the Senate. Senate Amendment No. 2 to House Bill 1278 amends the Controlled Substances Act. It defines drug manufacturing equipment, drug manufacturing facilitators, and methamphetamine manufacturing chemicals. It expands the offense -- the definition...

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Bowles. Excuse me, Senator Bowles.

SENATOR BOWLES:

Surely.

PRESIDING OFFICER: (SENATOR KARPIEL)

Let's keep -- let's keep it quiet. Sooner we get through the business at hand, the sooner we can all be on the way home for the weekend. Senator Bowles.

SENATOR BOWLES:

Thank you. It expands the offense definitions to include possession of any methamphetamine manufacturing chemical with the intent to manufacture methamphetamine or a salt of an optical isomer or {sic} (of) methamphetamine or an analog thereof. It criminalizes possession of methamphetamine manufacturing chemicals with penalties from Class 2 felonies to Class X felonies. And it allows intent to manufacture to be inferred from the discovery of any methamphetamine manufacturing chemicals in close proximity to

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a drug manufacturing facilitator or drug manufacturing equipment. It exempts methamphetamines from the penalties for chemical breakdown of illicit controlled substances. This amendment is limited to methamphetamines and related isomers and analogs only. I would ask for an affirmative vote. Be glad to answer question.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR KARPIEL)

She indicates she'll yield.

SENATOR HAWKINSON:

Senator, is this going to go to conference committee? Isn't that your intention?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Bowles.

SENATOR BOWLES:

Yes, it is, Senator Hawkinson.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any further discussion? Further discussion? If not, the question is, shall House Bill 1278 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 question, there are 58 voting Aye, none voting Nay, none voting Present. And House Bill 1278, having received the required constitutional majority, is declared passed. House Bill 1317. Senator Berman. Senator Berman, on House Bill 1317? Out of the record. House Bill -- 1383. Senator Maitland. With leave of the Body, we'll return to House Bill 1383. House Bill 1392. Senator Bowles. Senator Bowles, on House Bill 1392? Out of the record. House Bill 1409.

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Senator Rauschenberger. Out of the record. House Bill 1464.

Senator Dillard. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1464.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President. This bill creates the Local Government {sic} Gift Ban Act, very similar, if not almost identical, to the State Gift Ban Act that we are under, for local governments. And it's an attempt to appease or clear up some of the questions as to, for example, what ethics commission a unit of local government might use. We give 'em the option now of using their own ethics commission or going to the county in which they lie, if they don't want their own ethics commission and want the county to handle it. Again, this just makes the local governments do what we have to do under the new law. And I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR KARPIEL)

Indicates he'll yield. Senator Hawkinson.

SENATOR HAWKINSON:

The current effective date, as I understand it, for local governments is July 1 of this year, which has caused some concern. Is that addressed in this legislation?

PRESIDING OFFICER: (SENATOR KARPIEL)



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Senator Dillard.

SENATOR DILLARD:

Thank you. As usual, Senator Hawkinson, you're right as to the current date, if we make no changes, when this would go into effect for local governments. This bill that is before us today has an immediate effective date. And what happens -- and obviously you are familiar that Governor Ryan will probably take some time to act on this. Sixty days after the effective date, the local unit of government must decide whether they're going to have their own ethics commission and create it, or whether they use the county. So whenever the Governor would act on this, Senator Hawkinson, there'd be another sixty-day grace period - two months - for the local government to decide which way they prefer to operate. And they are familiar with it, and they know it's coming.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? If not, the question is, shall House Bill 1464 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 question, there are 58 voting Aye, none voting Nay, none voting Present. And House Bill 1464, having received the required constitutional majority, is declared passed. House Bill 1532. Senator Rauschenberger. Out of the record. On the top of page 8 of the Calendar. House Bill 1534. Senator Rauschenberger. Out of the record. House Bill 1580. Senator Maitland. Out of the record. House Bill 1622. Senator Parker. Read the bill, Madam Secretary. Senator Parker, do you wish this -- do you -- Senator Parker seeks leave of the Body to return House Bill 1622 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. Senator Parker. Oh. Madam Secretary, are there any Floor amendments approved for

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consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senator Parker.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President. This is only a technical amendment. I briefly talked about it yesterday, and it clarifies that what we are talking about is an -- a mandated offer for insurance coverage.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, all 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, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

A point of personal privilege. I -- Madam President, I went over to wish happy birthday to Senator Shadid, and unfortunately I wasn't at my desk to vote for 1464, and I would have voted Yes.

PRESIDING OFFICER: (SENATOR KARPIEL)

The record shall so reflect that. On the Order of 3rd Reading is House Bill 1622. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1622.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Parker.

SENATOR PARKER:

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Thank you, Madam President. House Bill 1622 has been something that has long -- an issue that's been long under discussion. And what we are doing is mandating the offer of clinical trials. Currently, the most important way to improve the cure rate of cancer patients is through clinical trials of new treatment programs, and clinical trials - I want to explain - are not lab experiments. They are just typical things that are rates of treatment. They are organized studies conducted to answer specific questions about new cancer treatments. They are designed to compare the effectiveness of standard treatments with a new treatment that researchers believe may be more effective or less toxic. And seventy percent of the children from leukemia are now -- have been cured because of the option and the possibility of clinical trials. All we are doing here is mandating that insurance companies would offer it. I will answer any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This is an important bill, and it's one that we have discussed for most of this year. And it's one of those issues where no one is opposed to what we're trying to do; it's just how do we get there. And let me just state, for the record, that the ten-thousand-dollar annual coverage amount was offered as a means of aiding actuaries in ultimately determining premium cost. The language is represented to consider the cost difference between standard and investigational patient care, as determined by a Mayo Clinic study, at twenty-two hundred dollars a year over five years, but it does not reflect any patient care cost amount determined by the Mayo study. The proponents also believe that the ten thousand annual coverage amount is a floor, but the language is written in such a way as it is a permissive ceiling.

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The proponents also understand that the exclusion of treatments and services prescribed by {sic} (for) the convenience of the insured or physician would exclude incidental costs not associated with the research trial, such as travel and the hotel costs. The whole -- the whole thing on this is that, in my estimation, we're still not there yet, but -- but I do think we should move this bill along. We can continue to talk about it; maybe come up with something that clears up some of the problems that still continue to exist. And I ask for an Aye vote to move this thing along.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. Just a question -- just a clarification on -- as I -- as I understand this bill, it is a requirement that, as people -- as agents sell policies to, perhaps, small business owners, they're required to tell them that this is available and what the cost is. Is that correct?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Parker.

SENATOR PARKER:

That is correct.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Lauzen.

SENATOR LAUZEN:

Thank you very much. And thank you very much for all your work on the -- on -- I know how hard it's been and how diligent the effort's been. So, congratulations.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Klemm.

SENATOR KLEMM:

Yes. Thank you, Madam President. I -- I stand in support of the efforts that Senator Parker's been doing and working very hard

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on it. But there was kind of an understanding, I believe, when it left our Executive Committee, and the informal discussions that I've had, that this would probably go to a conference committee to let some of the questions that the insurance industry had to make this a workable program and an affordable program, that they would at least consider that and see if there's any modifications that may come to us through a conference committee. But, as I entered the Chamber this morning, I was told by one of the lobbyists that, no, everything has been done, there's no sense talking about it, and if we go to conference committee, the whole thing goes under. And so, therefore, I've got a conflict here. I've got a conflict about what the sponsor has told me, told us publicly, and what the lobbyists have told me out there. And I just want to ask, for the clarification, again, for the record, whether this is going to go to conference committee so you can possibly work out all. Otherwise, we certainly are supporting your efforts. Don't want to derail this at all. That's a question to the sponsor.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator -- Senator Parker.

SENATOR PARKER:

As I stated, I am certainly open. There are going to be more discussions. I have talked to the oncologists, the proponents about a possibility of a conference committee. Certainly, if there are changes, there will be. I can't guarantee what the House is going to do, but our intentions are to -- to really have the opportunity, if there are amendments, for those to be proposed. This is not necessarily set in stone. I have said that. And I'm surprised and will ask you, not on the record, who mentioned that to you.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any further discussion? Further discussion? If not, Senator Parker, to close.

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SENATOR PARKER:

I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

The question is, shall House Bill 1622 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 55 voting Aye, none voting Nay, none voting Present. And House Bill 1622, having received the required constitutional majority, is declared passed. With -- leave was previously granted for House Bill 152. Page 5 of the Calendar. We will return to House Bill 152. Senator Dillard. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 152.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President and Ladies and Gentlemen of the Senate. This is one of the, apparently, more popular bills of the Session, at least in terms of attention. And let me begin at the outset by saying that I'm a free-market guy. In fact, I admire and read many of the works by the University of Chicago professors. I read Daniel Yergin's book on free markets, and I really believe in a free-market/free-world type of economy. But alcoholic beverages have always been unique in the United States, and, obviously, since prohibition, we have had a special provision of the United States Constitution that makes alcohol basically different than any product in the United States of America. In Illinois, we have long established, for a lot of reasons,

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regulatory taxation, a variety of different purposes, a three-tiered system of liquor distribution. Maybe it's keeping liquor out of the hands of minors. Maybe it's making sure that we don't have bootlegging, and we collect the taxes from alcoholic beverages that support our public schools, our mental health systems, or whatever. But alcohol is a very unique product. This is a fair-dealing franchising type law. Last night we heard Senator Tom Walsh. He had a bill dealing with a long-standing law that we have given beer distributors in the State the right that I'm asking for today for hard liquor or distilled spirits. We already have it for beer. The auto dealers -- the auto dealers have this law. It's on the books. So it's out there for auto dealers. It's also out there for farm implement dealers. You know, we always protect the farmers and the agriculture interests. Agriculture's always treated with kid gloves, and specialties abound for agriculture. So we already have this law for -- for three things. Soon, I think, we will probably have it for a fourth product in the State of Illinois. That's soft drinks. Now, let me tell you, we voted for soft drinks last night here. The House overwhelmingly approved giving this type of fair-dealing law for soft drinks. If you can vote for soft drinks, this bill is a lot easier to vote for than what we did last night for the soft drink industry, for two reasons. Number one, my bill is narrower than Senator Philip's bill dealing with soft drinks. So if you gave soft drinks those - for lack of a better word - protections last night, this one's a lot easier. This bill is more narrowly drawn. And as I said at the outset, liquor has always been treated differently as a government-regulated industry. And finally, there is a need demonstrated for this that I think is even, with respect to Senator Philip, much more demonstrated here in the alcoholic beverage industry than in the soft drink industry. In committee we had extensive testimony from

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many Illinois businesses who said, and Senator Philip put this so eloquently last night, that the Goliaths, the great, big conglomerates - almost all of 'em foreign interest, not even United States interests - gobbling up these little hardworking men and women of Illinois. In the last few years in this State, there have been demonstrated firsthand accounts of these foreign companies willy-nilly just snapping their fingers and taking these distributorships away from hardworking Illinoisans who have sweated and built these industries with their fathers, with their children, with their wives, spouses and neighbors. So this really is Goliath versus the little man. This bill -- let me tell you, Senator Halvorson asked a great question in committee. She said, "Is this like that bill that was over in the House of Representatives in the Veto Session?" And let me tell you, we have two pages of compilations of how this bill has been narrowed, how it's been cleaned up. Phil Weber, our legal counsel, has worked hundreds of hours on this bill, narrowing it down from what the House of Representatives passed in the Veto Session, and this is a well-drawn bill, modeled after fifteen or sixteen other states. Again, I really believe that this is about protecting Illinois jobs and making sure that the little man is not squeezed out and kicked out by somebody that lives in Great Britain or France and -- or some foreign country. And I guess just to close, Mr. President - and obviously I will -- or, Madam President, I'll be happy to answer any questions - I agree with House Speaker Michael Madigan, who said when it comes down to an Illinoisan's job - somebody that's paid taxes, raised their kids, gone to school here in Illinois - when it comes down to a working man or woman in the State of Illinois or versus somebody who is two or three thousand miles across the Atlantic Ocean, I'm for saving the Illinois job, and I think that's the bottom line, although there are many, many, many reasons why we should grant the fair-dealing



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ability between wholesalers and distributors in the alcoholic beverage industry like we do for so many other industries in Illinois. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you -- thank you, Madam President. First of all, I have enormous respect for the work that the sponsor has -- does and what he believes. We are free-market believers, but, you know, Ladies and Gentlemen, we have to prove it. Our actions and votes will outlive our words from today. The "Land of Lincoln" is the land of opportunity for all. In Illinois, as long as you follow our laws and pay your taxes, you're welcome to invest and employ and make a better future for yourself and others, no matter what race, creed, gender or nationality. This is the American way. It's a statement of the very obvious, that our economy in the year 1999, and forever after this, will be global. You know, let's take a closer look at the xenophobic, you know, these -- "these darn foreigners" argument that's being used. Here are some facts, rather than fears. You take a look at one of the organizations that's formed, perhaps, the counterpoint to the people who are bringing forward this bill - UDV, United Distillers and Vintners of North American. You know, they presently employ a hundred and ten people at their Chicago-based sales and marketing company and sixty-three people at their Plainfield, Illinois, plants. These are real jobs. Another fact is that UDV has announced a fifty-million-dollar expansion of -- of the Plainfield, Illinois, facility, adding a hundred new employees. Look at Pillsbury. I mean, the Pillsbury Doughboy. I mean, they're saying that that's somehow not part of the American culture. One of their sister companies, they employ six hundred people at the Green Giant plant in Belvidere, Illinois, and is about to open a new

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sixty-two-million-dollar plant in Geneva, Illinois, where they'll employ another hundred and fifty people. Burger King, another sister company, home of the Whopper, has a hundred and fifty restaurants and employs roughly fourteen thousand people all across Illinois. You know, we have a three-tier system that's guaranteed in our law in Illinois - supplier, wholesaler and retailer - for the sale of alcoholic beverages, legally mandated. Last year the Illinois General Assembly approved legislation that prohibits any of this direct shipping that's been out there. You know, according to the United States Department of Labor Bureau of Labor Statistics -- and I was concerned that there was a lot of misinformation that's going back and -- back and forth on both sides of this issue, but I actually went back and got this statistic because I agree with Senator Dillard that jobs in Illinois, paying good wages, is one of our top priorities. But in the -- Illinois, wine and spirits wholesaling employment has grown ten percent, from 1992 to 1996, from twenty-seven, twenty-eight hundred jobs to over three thousand jobs, irrespective of supplier or wholesaler -- consolidation. So we should welcome, with open arms, everyone who wants to trade in Illinois, rather than constructing special legislative barriers to horizontal competition. Please vote No.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President. I rise in opposition to this bill, and I, too, have a lot of respect for the sponsor. But, you know, it's -- it's sort of interesting, you know, when you -- you think about legislative sessions and if you have a chance to kind of reflect and say, what is one of the themes -- one of the major themes of this legislative Session? Well, I'd have to say, it's pretty obvious, and that is protectionism. Because, you know, the

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world is changing. It's becoming a more complicated place. The economy is growing. Jobs are growing. It's a worldwide economy. And, you know, middlemen - distributors - are feeling some pressure. You know, we've seen it with soft drinks, automobiles, beer, but we can distinguish, for many of the reasons that Senator Dillard pointed out, that this is different. You can draw a completely opposite conclusion and say, yes, it is different and that's why this bill should be defeated. It's different because no other interest that's come before the Legislature this year, specifically soft drinks, automobiles or beer, are -- are specifically regulated to the extent that liquor is by the Liquor Control Commission. You know, earlier in the Session, we -- we saw some of the opinions that were published by the Federal Trade Commission. Let me remind you about a couple of the statements that they said. The Federal Trade Commission is ostensibly an objective observer here. They don't have any relationship with one interest group or the other. They just gave us their opinion about what the merits of this bill, or lack thereof, are all about. And they said this bill would shield the business of liquor distribution from market forces. They said this bill would eliminate competitive pressure by requiring suppliers to retain their current distributors. The likely result of such a static distribution system will be increased consumer prices. That's right, Ladies and Gentlemen, people are going to pay more as a result of this. The higher prices, the FTC said, associated with these inefficiencies would be passed on to the consumer. They went on to say the bill might deter entry of new distributors and new products. The bill will reduce incentives of existing suppliers to introduce new brands. Finally, the FTC said they are unaware of any evidence establishing the need for this type of legislation. You know, there are some powerful interests behind this bill. There's also -- these people have done some wonderful

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things for our community, but it's sort of interesting. I think you have to evaluate credibility. Some of the powers behind this bill several years ago were opposed to a similar bill. They were opposed to a similar bill, because that, at that time, would make the bigger distributors bigger and the smaller distributors smaller. Make no mistake about it, Ladies and Gentlemen, when you talk about how the distributors have gone by the wayside over the years, there's ample evidence that the consolidation of distributors is due to big distributors gobbling up little distributors. Finally, Ladies and Gentlemen, everyone knows what this bill is about. We've heard from both sides. It's been a tough debate. There are merits. There are compelling interests. There are human stories. There are employees who are -- whose jobs are being threatened, which I think is telling. But you got to think of one thing. Many of you have businesses yourself. We are a part-time Legislature. Many of you run businesses or law firms or insurance agencies, and nobody out there is proposing a bill to protect your clients, your business, to say that they can't take it from you. And that's not the way it should be. No one should propose that. Why is this necessary for this group of individuals? It's not fair. All of you know it. I urge a No vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR KARPIEL)

He indicates he'll yield.

SENATOR HENDON:

Senator Dillard, you -- you talked about the -- those foreigners versus people here in Illinois. And if I recall

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Governor Ryan's speech, we are, in Illinois, attempting to expand our markets and have trade with as many foreign countries as we possibly can, to help sell the products of Illinois. Wouldn't your -- this legislation that you're -- forcing right now be counterproductive to what Governor Ryan spoke about and, in fact, discourage foreign investment in Illinois?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senate -- Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President. No, Senator Hendon. And let me tell you, this proposed law of mine does not and is not monopolistic and it's not anticompetitive. It affects a relationship between a supplier and a wholesaler, and they don't compete with one another. It does not prevent -- it does not prevent any new distributorships from coming into the market, and it doesn't, as some people have said, protect inefficient distributors, because that would be good cause for terminating a franchise agreement. So, it doesn't restrict free enterprise at all, and any foreign company that wants to come in here to do business can. But what it does is it makes sure that good old-fashioned American fair play and fair dealing is being used by these foreign companies, who, quite frankly, sometimes do not play by the same rules that we, who grew up in the United States of America, deal in.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Hendon.

SENATOR HENDON:

So, Senator Dillard, are you telling us -- do you expect us to believe, for one moment, that if -- if you were a foreigner -- let's just use this as example -- and this bill was being drafted to affect an industry in which you have invested in Illinois, that you would not feel put-upon or set upon at all?

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PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dillard.

SENATOR DILLARD:

I'm sorry, Madam President, I don't understand the question. Can he rephrase it?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Hendon.

SENATOR HENDON:

My question is: Do you expect us to believe for one moment that the foreign distributors, as you've put them, have no problems whatsoever with this bill and do not feel at all that this is protection, this legislation?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dillard.

SENATOR DILLARD:

Well, I hope to make you realize for at least another ten or twelve moments that this somehow is not protectionism, because it's not. I'm not going to kid you. I mean, I think these foreign conglomerates, who like to squash like gnats people who have been in Illinois for many years in the business, they're opposed to this bill, and they're opposed because they want, at the flip of their fingers, to be able to take somebody who's worked for twenty-five or thirty years to build a market share up for that foreign company's product, out of play and gobble it up for themselves. So, you know, these foreign conglomerates are opposed to this bill. But it still lets them come in. It lets them expand their businesses. They just have to play by good old-fashioned American, fair-dealing rules.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Hendon.

SENATOR HENDON:

Just for the record, Senator Dillard, and perhaps you did not

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see it, but the Illinois -- the Illinois Restaurant Association, not the France Restaurant Association or the Italian Restaurant Association, the Illinois Restaurant Association is against this bill. The United Distillers and Vintners of North America, a American company -- group, is against this bill. A very strong Republican group that supports Republican candidates, such as yourself, the IRMA, is against this bill. They're in Illinois. Illinois Soft Drink Association is against this bill. They're in Illinois. This morning, my friends and colleagues, when I woke up, the first face I saw on my television set was Newt Gingrich, the honorable and distinguished Congressman. And Congressman Gingrich was talking about the heart and soul of the Republican Party and what it really stood for and what it really meant. I believe that if -- if -- if the Congressman were here today, he would be in total opposition, against your bill, because he spoke this morning about protectionism. He spoke this morning about free markets and what America is really all about. I can't tell today the Republicans from the Democrats in this Chamber because of this legislation that you are pushing. You should have heard Newt Gingrich this morning, instead of me, Senator Dillard. And then you would have took this out of the record. This is anti-Republican. This is anti-American. This is anti-free market. And I don't know how in the world you could be pushing this protectionist legislation in Illinois that will hurt Illinois products across the world.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Jacobs.

SENATOR JACOBS:

Thank you -- thank you, Madam President. I don't -- I don't know if I can follow that, 'cause my questions I think will be -- I think will be a little more sedate. Would the sponsor yield for a couple questions?

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PRESIDING OFFICER: (SENATOR KARPIEL)

He indicates he will.

SENATOR JACOBS:

First of all, there's one requirement that would be that all agreements must be renewed unless the supplier meets the burden of proving good cause. In defining good cause, the bill only offers the explanation that "...failure by a distributor to comply with essential and reasonable requirements imposed upon the distributor by the supplier...", but there's no definition of what constitutes "essential" or "reasonable" for those purposes. Can you give me some example?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President. Two points, Denny. Number one, it's a -- this is a typical kind of question for a trier of fact, and all we say is, you know, there's got to be good cause before you can yank somebody's ticket of the last twenty or twenty-five years, and the supplier and wholesaler, distributor, these different parties can enter into a contract to define what good cause is, as well. And also I will tell you - and I know you and I both like to have a beer every now and then, Senator Jacobs - this is the Beer Distributors' definition that has been the law of Illinois for quite some time.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Jacobs.

SENATOR JACOBS:

Number one, speak for yourself. I'd rather have mine now than then. But notwithstanding that, it -- it appears to me that you know -- that I'm not sure if you answered the question, but that's okay. I -- I don't think there is a true answer to that, 'cause it's pretty difficult to come up with a legislative terminology,



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but it would be nice if we had that in there. Just a couple comments to the bill. Number one, I just find it -- not to the bill, but to the whole issue. I find it a little ironic that the same people that are pushing for this bill today are the same people who were fighting a similar proposal a few years ago. And I guess it makes a difference sometimes whether you're number two or three versus whether you're number one. The real problem I have with this bill being heard now, because I voted for the -- the pop bill, and as was said earlier by -- by Senator Cronin, that there is a difference between the two. One's a regulated business and the other is an unregulated business. So we probably have more business being in the regulated business than we do in the other. However, it seems to me a little ironic that we're doing something that further interferes with the suppliers' business at the same time we're increasing their taxes by two hundred and seventeen percent. And that seems to be a problem area that I have that, you know, on one hand, you're kicking 'em in the teeth, and the other hand, you're kicking 'em when they're down.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Parker.

SENATOR PARKER:

Thank you, Madam President. I have a fax here, and the subject was alluded to, but I want to read this to you. This is in opposition. It's a -- to House Amendment No. 4, Senate Bill 626, which creates the Spirits Fair Dealership Law. "This amendment creates statutory monopolies, decreases competition, discourages efficiency and will result in increased consumer costs." This was the fax that was being sent out by the proponents of this bill, but this fax is from 1993 when they weren't number one in this State. So when they were the little guy, they were against this. Now they're the big guy, they're for

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this bill, and this bill is worse. This bill is based on bad policy, which will ultimately lead only to harm to the consumers of Illinois. And you've heard a lot of the groups that we know that serve the consumers that are against this legislation. It does create a virtual monopoly for distributors in this State and effectively destroys the free-market system in Illinois. Now, the proponents of this legislation argue that this bill is closely tailored to the beer Act. That's utter nonsense. Take a look at the beer Act. There is nothing in -- is there anything in that beer Act, if you look at it, that gives the Liquor Control Commission regulatory enforcement powers over the beer industry? There is not. But this Act does exactly that. This Act, in Section 35, gives the Liquor Control Commission extensive powers to intervene into and regulate the private contractual relationships between liquor suppliers and their distributors. In fact, the regulatory provisions of this bill actually go beyond what was provided in the earlier bill. Look carefully at Sections 10 and 35 of this bill. Section 10 now contains a new provision, unlike any provision in the earlier bill, which makes a major portion of the bill applicable, and what it says is, and I quote, "...to all agreements between a distributor and a supplier...whether those agreements were entered into before or after the effective date of this Act." I urge all of you to carefully consider what this means. It means that this bill applies to preexisting contracts. You will find nothing like this in the beer Act. And I want to answer some of the -- my colleagues, who are the proponents, who say that the older bill has been fixed because it is now like the beer Act. Now it purports to give both suppliers and distributors a remedy. Well, if you read this bill, you'll find out that it is not true, because there are no circumstances in here where a supplier does have the remedy. The truth is that the enforcement and regulatory

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provisions of this Act are available only to the distributors. The bill now purports to give an aggrieved party certain rights. It is clear that the only possible aggrieved party is the distributor. And you can read some examples in there. The Commission is given the power to prohibit or suspend any supplier from selling any product or products and order the supplier to continue providing products to a distributor at prices. Since the Commission has the power to grant relief only to a distributor, a supplier would never be an aggrieved party. The same is true with respect to the onerous and wholly one-sided enforcement provisions of the amended 152. The onerous and one-sided provisions of this bill are an affront to the provisions of our Constitution, and the due process clause of the Illinois Constitution prohibits this General Assembly and prohibits this Senate from imposing arbitrary or unreasonable restrictions upon legitimate business pursuits. But that is exactly what we are being asked to do here. The provisions of this bill result in a supplier being a virtual servant of the distributor. This is exactly the type of special interest legislation that our Supreme Court has time and time again said is unconstitutional. And let's remember the most important people, the consumers. We've all read the editorials on what this legislation will do to consumers. The result of this legislation will be to shelter distributors from the marketplace, protect inefficient distributors who provide marginal service, and the end result of this bill, immunization of distributors from the dynamics of and disciplinary pressures of the competitive marketplace will harm Illinois citizens by discouraging quality service at the lowest price. This is bad legislation. It's unconstitutional. And I urge a No vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

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Madam President, Ladies and Gentlemen of the Senate, I echo the comments made by Senator Parker, but at the -- as the law stands today, without the change contemplated, manufacturers are freer to change wholesalers at will, 'cause this way, wholesalers are motivated by the possibility to deliver the best service and the best price to the customers. It's free enterprise at its best. The threat of competition ensures great quality. If this threat is eliminated - and that's exactly what this legislation does - wholesalers will begin to raise prices and drop their service levels to the benefit of the four or five wholesalers but to the detriment of millions of consumers. I am reminded by the fact that Amoco was purchased by -- British Petroleum. Everybody thought that was great. I didn't think so because there's -- five, six thousand jobs were gone out the window. I think by opposing this legislation you are going to be saving jobs for Illinois. And the fact that there may be people who are overseas, may have some interest in some of our companies, so what? We have a lot of our companies having a lot of interest in companies overseas. So I think we better look at it very practically and realize that this proposed legislation does stifle competition, and it can raise the value of these four or five wholesalers, tripled, and they can sell them, their -- their distributorships. And then what happens when they sell them? Then jobs start going out the window. I am opposed to this legislation because I really feel we'll save jobs by opposing it, and that's the way I feel.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SENATOR DILLARD:

Thank you, Madam President. I just want to, in my closing, answer a couple of the opponents arguments that were out there, used against this bill. The Federal Trade Commission did write an opinion about this piece of legislation, but the Federal Trade

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Commission's opinion was analyzing this law before it was scaled back sixteen or eighteen different ways by Phil Weber, of our staff. Now let me tell you, the Federal Trade Commission is nothing more than an opinion. It's not a study. There's no analysis that's out there of what happens in the real world, and just because some federal bureaucrat in a steel skyscraper building writes an opinion about a law that has been amended fifteen or sixteen times does not make it so. Let me tell you what is so. We had the nation's foremost liquor economist come and testify in front of the committee here, and that man has written numerous books on the economics of liquor. And, in fact, he shows, in states where this type of law, which I am proposing today, is in effect, very importantly, the price of liquor for consumers - when you and I go down to our local retailer and want to buy a bottle of booze - is actually less under this Act. So the FTC, some federal bureaucrat egghead, who wants to elicit their opinion on a bill that's not even before us, has no real studies. The real studies and real facts show that where you have this law, the price of spirits is less. Newt Gingrich, I saw him this morning on TV; I remember who he is. Guess what? Newt Gingrich's State of Georgia has this law. So, you know Georgia has this law where -- where Newt's around. I notice, also, that Senator Hendon, and I really respect him, stood up and, you know, Rickey, you and I are always for trying to help minorities get involved in different businesses. I believe with the passage of this bill -- and I can't remember who asked the question. I believe it was maybe Senator Smith, in committee. She wanted to know: What does this bill do to minorities who might want to get into this business? Let me tell you, this bill will help minorities and women - and women - this is traditionally a male-dominated field - get the financing that they need, to be able to go to their banks and say, "Hey, we have the ability to

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keep our contracts that we have entered into for the distribution." And I believe this bill will lead to more minorities and more women into the liquor industry. Somebody brought up, I think it was Senator Parker, that once upon a time, one of the proponents of this bill was opposed to this bill and why a few years ago would they be opposed to this and why would they be for it today. The answer is simple: about ten million dollars in legal fees, taken all the way to the Supreme Court, to hold on to a contract that they had in Nevada. When somebody tried to take all of their hard work away from them, they fought it. They had the guts, the ability and, most importantly, the financial wherewithal. Unlike many of the smaller companies that are going to rely on this bill, to keep their families' jobs, this gentleman had the ability to fight this big conglomerate. And about ten million dollars later, you know what? The court told him that you have the right to hang on to your particular franchise. So, I got to tell you, when you get hit with a multimillion-dollar legal bill to hold on to what was justifiably yours, it changes your opinion. And I guess, just to -- to close, a couple of things. George Lazarus, the marketing guru of The Chicago Tribune, recently had a column about Jim Beam. And Jim Beam is a Deerfield-based company, but it's a foreign company. And Jim Beam is making some changes, and it says right here: Job cuts are certain. So, in reality, let me tell you, this is about free trade and it's the American way. And I guess when we're talking about trade, just to close, it is about trade. And it's about trading an Illinois job for some job overseas, and that's the kind of trade it's about. And I want to protect Illinois jobs and not see 'em slip away, and I believe in fair play and this bill is about fair play.

PRESIDING OFFICER: (SENATOR KARPIEL)

All right. The question is, shall House Bill 152 pass. Those

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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 33 voting Aye, 26 voting Nay, none voting Present. And House Bill 152, having received the required constitutional majority, is declared passed. If the Members will go back to page 8, to the Order of House Bills 3rd Reading, there is House Bill 1700. Senator Petka. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill -- House Bill 1700.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Petka.

SENATOR PETKA:

Thank you, Madam President, Members of the Senate. The underlying bill, of House Bill 1700, would require that the Illinois Liquor Commission provide the -- the full explanation of facts and circumstances surrounding a citation. Notice of hearing shall specify the provisions of the Act and rules violated, and the notice of hearing shall specify the nature of the charges. When the bill came over, a -- an amendment was put on in the committee that would require -- or, empower - excuse me - empower the Illinois Liquor Control Commission to receive complaints about licensees and instigate investigations into complaints. Current law does not provide for the investigations. This bill passed out of the committee on the attendance roll call, and I would urge its adoption.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall House Bill 1700 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who

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wish? Have all voted who wish? Take the record. On this question, there are 57 Ayes, none voting Nay, none voting Present. And House Bill 1700, having received the required constitutional majority, is declared passed. House Bill 1720. Senator Syverson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1720.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Madam President. House Bill 1720 changes from a -- a third conviction to the second conviction for a Class 4 felony for a -- a variety of prostitution-related offenses.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall House Bill 1720 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. On this question, there are 58 voting Aye, none voting Nay, none voting Present. And House Bill 1720, having received the required constitutional majority, is declared passed. House Bill 1769. Senator Silverstein. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1769.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Silverstein.

SENATOR SILVERSTEIN:

...President, this bill was amended -- which we added an



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amendment on, which was passed yesterday, which allows -- allows a -- receiver that finds property brought into existence to place in the fund. It places a lien on the property for the amount which is superior to the other liens. This is to facilitate and help property that are -- is in housing court. I'd ask for a favorable vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Will sponsor yield for a question?

PRESIDING OFFICER: (SENATOR KARPIEL)

He indicates he will.

SENATOR HAWKINSON:

Senator, I heard you mention property lien. What kind of -- are we creating a new lien on real estate?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Silverstein.

SENATOR SILVERSTEIN:

No. There will be no other lien.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Hawkinson.

SENATOR HAWKINSON:

...you referring to?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Silverstein. Senator...

SENATOR SILVERSTEIN:

Take it out of the record.

PRESIDING OFFICER: (SENATOR KARPIEL)

Take it out of the record. Leave of the Body to come back to 1720 -- or, 1769. I'm sorry. House Bill 1773. Senator Syverson. Out of the record. House Bill 1778. Senator Jones, Emil Jones. Read the bill, Madam Secretary.

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ACTING SECRETARY HAWKER:

House Bill 1778.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Jones.

SENATOR E. JONES:

Thank you, Madam President. House Bill 1778, as amended, makes necessary statutory changes to allow the Department of Revenue to -- to revise real estate transfer declarations, and this was a recommendation that came out of Assessor Houlihan's tax policy forum and is a product of cooperative efforts between county officials and the Department of Revenue. Real estate transfer declaration data is used by the Department of Revenue to -- to conduct annual county sales ratio studies as the basis for calculating the county multiplier. These changes will allow the county assessor to improve the accuracy and timeless -- timelines of the ratio studies. I know of no opposition. Ask for a favorable vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall House Bill 1778 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. On this question, there are 50 voting Aye, 6 voting Nay, 1 voting Present. And House Bill 1778, having received the required constitutional majority, is declared passed. House Bill 1780. Senator Burzynski seeks leave of the Body to return House Bill 1780 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 1780. Madam Secretary, are there any Floor amendments approved for consideration?

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ACTING SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senator Burzynski.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam President. Floor Amendment No. 3 is a technical amendment that cleans up drafting errors in Senate Floor Amendment No. 2.

PRESIDING OFFICER: (SENATOR KARPIEL)

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, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. House Bill 1780 is now on 3rd Reading. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1780.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam President, Ladies and Gentlemen of the Senate. 1780 is now a compromised bill, an agreed-to bill between all the parties that have been involved: Illinois Health Care -- or, rather, the Hospital Association, the doctors, the HMOs, et cetera. Basically, hospitals, medical groups, individual practice associations, physicians' hospital organizations, managed care plans and other insurance companies are requiring physicians to be credentialed. This bill will allow a -- a relief from the

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duplication of credentialing that we have in the State of Illinois. I know of no opponents.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, the question is, shall House Bill 1780 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 question, there are 58 voting Aye, none voting Nay, none voting Present. And House Bill 1780, having received the required constitutional majority, is declared passed. Senator Klemm, for what purpose do you rise?

SENATOR KLEMM:

Yes, just for purposes of a reminder announcement.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Klemm.

SENATOR KLEMM:

The Senate Executive Committee again will meet immediately upon recess, which will take place in a little while, in Room 212. So will the Members of the Executive Committee please be prompt and we'll get done, finish our business quickly. 212, immediately upon recess.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Rauschenberger, for what purpose do you rise?

SENATOR RAUSCHENBERGER:

For purposes of an announcement. The Senate Appropriations Committee expects to meet on the adjournment of -- or, the recess of the Senate Executive Committee in Room 212, to consider an amendment.

PRESIDING OFFICER: (SENATOR KARPIEL)

The Senate will stand at -- for -- stand at ease for about -- recess for about thirty minutes.

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(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WATSON)

Senate will now reconvene. Senator Karpiel.

SENATOR KARPIEL:

I'd like to announce a Republican Caucus in Senator Philip's Office. A brief caucus, about fifteen, twenty minutes. All of you that are not on the Floor, I hope you're in your office and you can hear me. A Republican Caucus in Senator Philip's Office immediately.

PRESIDING OFFICER: (SENATOR WATSON)

...trust everyone heard that announcement. There will be a Republican Caucus in Senator Philip's Office immediately. Sounds as though we'll probably be back around 12:15. ...like to have leave to reconvene at the call of the Chair. Leave is granted.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR KARPIEL)

Senate will come to order. Committee Reports.

SECRETARY HARRY:

Senator Klemm, Chair of the Committee on Executive, reports that Senate Amendment 3 to House Bill 452 Be Adopted, and Senate Amendments 1 and 2 to House Bill 1383 Be Adopted.

Senator Rauschenberger, Chair of the Committee on Appropriations, reports Senate Amendment 2 to House Bill 2527 Be Adopted.

PRESIDING OFFICER: (SENATOR KARPIEL)

Messages from the House.

SECRETARY HARRY:

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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 10.

Adopted by the House, May 13th, 1999. It's substantive.

PRESIDING OFFICER: (SENATOR KARPIEL)

Resolutions.

SECRETARY HARRY:

Senate Resolution 133, offered by Senators Noland, O'Daniel and Larry Walsh.

It's substantive.

PRESIDING OFFICER: (SENATOR KARPIEL)

...all Members come to the Floor. We are going back to the Order of 3rd Reading, page 8 on the Calendar, where we left off. House Bill 1825. Senator Watson. Senator Watson, on House Bill -- read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1825.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Watson.

SENATOR WATSON:

Thank you very much, Madam President. This particular bill was Senator Sieben's bill, and I asked him to relinquish it so I could put an amendment on it, which we did yesterday, and the amendment is identical to a bill that passed the House and, unfortunately, got held up in Rules. And I was under the impression that the problem had been resolved, but I guess it truly hadn't been. So now here comes the bill, and it's one that I

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know that's of interest to many of you here on the Floor. We -- in my area, we have had, since I've been in office -- for the last thirty years, actually, there's been an effort to develop Carlyle Lake, and we -- we had a developer who -- who was interested in building an eight-million-dollar facility on the lake. And, unfortunately, because of two situations, the development was put on hold. And one of them happened to do with an endangered species, and that endangered species was the massasauga rattlesnake. What we would like to do, and what happens now is, when and -- the situation occurs where an endangered species is found, the -- the project just comes to a complete halt. This legislation is an effort to allow the Department of Natural Resources, along with the local entity that's involved, to resolve the endangered species issue, and some people are concerned about the language. It does allow for the taking of a species under certain provisions and certain plans that would be offered the Department, public hearings, a lot of opportunity for input, before anything would go forward. But at least it gives them the opportunity to have some resolve to the issue, and that's not the way it is currently. So, that's what this bill basically does. I know there's going to be some questions, so I'll just be glad to answer them as -- as you so fit, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

All right. Any discussion? Senator Bowles.

SENATOR BOWLES:

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

PRESIDING OFFICER: (SENATOR KARPIEL)

He indicates he'll yield.

SENATOR BOWLES:

Senator Watson, due to the general nature of 6(a)(4) and 6(b)(4), and since the Fifth District Appellate Court ruled that

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Illinois residents can directly sue the government and landowners over threats to endangered species, will IDNR be liable for all the permit decisions? What if their decision of -- to reduce is different than the application or different from the IEC, the Sierra Club or the Audubon Society?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Watson.

SENATOR WATSON:

...assume that since the Department of Natural Resources will be the one who will be making the determination in regard to this plan being offered, that they could very well be held accountable and liable for their decision, in a court of law.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Bowles.

SENATOR BOWLES:

Without a definition of "reduce the likelihood", could they all file lawsuits against IDNR for permit decisions?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Watson.

SENATOR WATSON:

I'm not aware of the case that you identified. I'm not particularly aware of the legal obligations and requirements under the current law and current decisions that have been made by -- by court, so I don't really know that I have the expertise to answer you, Senator. I'm sorry. I really -- I don't know. But if you could rephrase the question, maybe, we could try to respond.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Bowles.

SENATOR BOWLES:

Senator Watson, that's sort of my concern, is that, at the present time, we do not really have sufficient information to address the -- the questions that are out there as far as IDNR,



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Sierra Club, the Environmental Council and all of the other agencies and groups that are involved in this and the potential for lawsuits. My question is: Is it possible for you to hold this piece of legislation until we can get a resolution and an answer to some of these questions that have been posed?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Watson.

SENATOR WATSON:

Well, I -- I appreciate that, and we've had this bill in committee and the Environmental Council was there. The bill was amended in the House with language that the Environmental Council recommended. They were neutral at the time, when the bill passed the House. I was told that they were neutral yesterday in committee. We just received a copy of some language that they would like to have considered in the bill. Obviously we will take a look at that. I can't make any commitments at this point, but we'll be glad to look at the language they have. And if it's something that doesn't impede what we're attempting to do and the Department and those that are concerned about developing properties throughout this State could support, then I could obviously support it. So, I -- we just need to take a look at it first before we actually know, and we -- just got handed to me just as I walked on the Floor now.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Bowles.

SENATOR BOWLES:

I appreciate that, Senator Watson, and -- and I can understand your concerns about it. I have not been privy to see that language, as of right now. So I would appreciate an opportunity to take a look at it, if you don't mind, please.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Welch.

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SENATOR WELCH:

Thank you, Madam President. You know, looking at this bill, it doesn't look like much, does it? There's three small species that none of us have seen, probably won't see, that don't mean much to any of us. But they're here on this Earth anyway, for some reason. For some reason, they were put here. You know, looking at these press articles about this story, headline here: Politicians trying to endanger three -- three species. And what they're doing is...

PRESIDING OFFICER: (SENATOR KARPIEL)

Excuse me, Senator Welch. Senator Watson.

SENATOR WATSON:

Yes, thank you. That was the original bill in the House, and that was amended with the help of the Environmental Council and others. And the language we have now does not impact those three species that you're referring to.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Welch.

SENATOR WELCH:

Well, the bill we have now talks about incidental taking. Isn't that correct? Well, an incidental taking to building a -- a resort, is what we're trying to do here. So, we're -- we're playing with words here, but the effect is going to be the same. We're taking three species out of existence, is what's going to happen. You know, there's no big lobby or constituency for the massasauga rattlesnake, the Indiana crayfish, the least brook lamprey, but for some reason, they're put here on earth. And, you know, the -- the House sponsor of the bill, my good friend over there, Representative Granberg, is quoted in the paper as saying, "I don't want to wipe the snake out. We are not going to end the species. In my area, this is a joke. The snake is rather plentiful down here." And I don't know how many times

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Representative Granberg has been out looking for snakes. I kind of doubt that -- that he has done that and has enumerated the snakes, but when the experts tell us that there -- there are only a hundred snakes in this area that they want to build this big resort, to me, we ought to stop and take a look and ask why. A few moments ago, before we went to caucus and went to committee, two or three of the Senators on Senator Watson's side of the aisle stood up and gave -- gave fine speeches outlining their philosophy on government, and they spoke of how they are for free markets. They want to see the marketplace be free, no impediments, government intervention should be denied, we should not regulate free markets. But if it comes to killing off three species, then I guess the free market's going to have to take a backseat to progress - to progress and concrete and asphalt and a resort that nobody knows if it'll work or not. You know, we may not see one of these species in our lifetime, but I'm sure that they have value, just as did the saber-toothed tiger, the mammoth, the ivory-billed woodpecker, all these other species that became extinct. And you know what we're going to have to do? This booklet that we got boxes of, the Illinois Handbook of Government, if you turn to the last page -- next to the last page, we've got the State Fossil. You know, at the rate we're going, we're going to have to update this every year, because that's what's going to happen. If we start taking species off the Endangered Species List, where does it stop? Right now there's one down in Senator Watson's area.

PRESIDING OFFICER: (SENATOR KARPIEL)

Excuse me, Senator Welch. Senator Watson.

SENATOR WATSON:

Pardon me. But, Senator Welch, that's not the bill that's before us. That's not the bill. We're not impacting those three species. We're giving the Department of Natural Resources the

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flexibility to try to work and mitigate and -- and if there is an endangered species involved, to be able to work it out, with public input and a proper plan - and that's what this is all about - so we can move ahead and economic development can occur. Obviously, that's what our interests are. But, has nothing to do with wiping out a species of -- an endangered species of some sort.

PRESIDING OFFICER: (SENATOR KARPIEL)

All right. Further discussion? Senator Welch.

SENATOR WELCH:

...rattlesnake. Representative Granberg is smarter than that. He's not going to say, "This bill will wipe out the massasauga rattlesnake." He's a very crafty individual from the House of Representatives. He's a very crafty person. And so, while he's very good at words, it's like Alice in the looking glass: They mean what I want 'em to mean when I mean it. And today it means we're going to negotiate, we're going to try to have incidental takings, we're going to have -- we're going to mediate and try to alleviate some of the damage. Well, you know, we're going to alleviate it into oblivion.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Welch, could you bring your remarks to a close, please?

SENATOR WELCH:

Well, I -- I think that somebody has to stand up for these poor little creatures that are here for a purpose. Today we may not know the purpose, but we have science investigating, we have science examining what we can use them for. There may be some medical purpose out there. We don't know. But why should we get rid of them until we find out? That's all I'm saying. I hope they build a resort down there. I hope they make millions of dollars and they all get rich...

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PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Rea.

SENATOR REA:

Thank you, Madam President. I rise in support of House Bill 1825. The resort is not the only type of project. I have a project in my district right now that's being held up for the same reason, which would provide a water supply for the City of Marion. And -- and it has been held up for quite some time. But what this amendment, which became the bill -- it provides the opportunity to take a look at the problem, to take a look at what the alternatives may be and to develop a plan to -- to deal with it. So I -- I would hope that you could give support to this bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Madam President, Members of the Senate. I also rise in -- in support of this legislation. Very familiar with the project that -- that Senator Watson and Senator Rea are speaking of. The Department of Natural Resources aren't going to let anyone get involved enough with -- to threaten an endangered species. So I think this is a good piece of legislation, and I also understand now why Senator Welch only wins by one -- a hundred to a hundred fifty votes every time, representing an agricultural area.

PRESIDING OFFICER: (SENATOR KARPIEL)

If there's no further discussion, Senator Watson, to close.

SENATOR WATSON:

Well, thank you, Madam President. There is protection. I think just reasonable people and reasonable thought ought to be brought forth in regard to this legislation. One of the individuals, I don't think was very reasonable and I don't think really thought out what this legislation is all about. This is -- this is a method by which we hope to be able to allow for

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projects, economic development, whatever it might be - water, important to the people that we represent - to move forward but still with that protection of the -- of the endangered species. And there is language in here that does that, and I don't know that the -- some of the speakers who -- and some who are concerned about this have really truly read this through to understand the protections there are here for the endangered species. But I'd appreciate your support.

PRESIDING OFFICER: (SENATOR KARPIEL)

All right. The question is, shall House Bill 1825 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 question, there are 31 Ayes, 23 Nays, none voting Present. And House Bill 1825, having received the required constitutional majority, is declared passed. House Bill 1841. Senator Welch.

SENATOR WELCH:

...verification.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Welch has requested a verification. Will all the Senators be in their seat. The Secretary will read the affirmative votes.

ACTING SECRETARY HAWKER:

The following Members voted in the affirmative: Bomke, Burzynski, Dillard, Donahue, Dudycz, Fawell, Geo-Karis, Hawkinson, Jones -- pardon me, Emil Jones, Wendell Jones, Karpiel, Klemm, Lauzen, Robert Madigan, Mahar, Maitland, Munoz, Myers, Noland, O'Daniel, Petka, Rauschenberger, Rea, Sieben, Smith, Syverson, Larry Walsh, Thomas Walsh, Watson, Weaver and Mr. President.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

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SENATOR WELCH:

Senator Dillard.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Dillard? Is Senator Dillard in the Chamber? He's back by the phone, Senator.

SENATOR WELCH:

Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Rauschenberger? He's back there by his seat.

SENATOR WELCH:

Senator Emil Jones.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Emil Jones? I can't see his seat. If not, Mr. Secretary -- pardon me. Oh, we never verify a Leader, I understand.

SENATOR WELCH:

Senator Smith.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Smith? Strike her name.

SENATOR WELCH:

Senator Donahue.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Donahue is right here.

SENATOR WELCH:

Senator Munoz.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Munoz? Senator Munoz? Strike his name, Madam Secretary.

SENATOR WELCH:

That's -- that's sufficient.

PRESIDING OFFICER: (SENATOR KARPIEL)

On a verified roll call, the Ayes are 29, the Nays are 23,

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none voting Present. Having -- and House Bill 1825, having failed to receive the required constitutional majority, is declared lost. Senator Watson.

SENATOR WATSON:

Thank you. I'd like to have that put on Postponed Consideration.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Watson seeks leave to place House Bill 1825 on the Calendar on the Order of Consideration Postponed. ...del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. I'd like the record to show that I would have voted Yes on House Bill 1720.

PRESIDING OFFICER: (SENATOR KARPIEL)

The record shall reflect that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard, on House Bill 1841. Senator Shadid, on House Bill 1869. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1869.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shadid.

SENATOR SHADID:

Thank you, Madam -- thank you, Madam President and Members of the Senate. House Bill 1869, as amended, is an initiative of the Secretary of State and what it does is adds numerous offenses under the Criminal Code that automatically disqualify a bus driver permit applicant. And I'd be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the



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question is, shall House Bill 1869 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. House Bill 1869, having received the required constitutional majority, is declared passed. Senator Halvorson, on House Bill 1959. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1959.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Madam President, Members of the Senate. House Bill 1959 will help ensure that State tax dollars intended to fund the care and treatment for individuals with mental illness or developmental disabilities will indeed be spent for the care of these individuals. Currently, some of the provider agencies - not all - are using some of the State dollars to organize antiunion campaigns. 1959 would require that those provider agencies entering into reimbursement agreements, contracts or receiving grants with or from the State of Illinois to provide the residential or day treatment services to these patients must abide by neutrality agreements. Now, under these agreements, a contractor or grantee agrees not to seek to influence employees' decision -- decisions to organize while on work time, in addition to not expending State funds to influence the decisions of its employees regarding union organizing. This bill would ensure the uninterrupted and well-needed care of these patients while providing fiscal accountability. According to our analysis, there's a Senate Amendment No. 4 on the analysis. It was not

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accepted. So please disregard Senate Amendment No. 4. And I would be happy to answer any questions, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Lauzen.

SENATOR LAUZEN:

Several questions for the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Lauzen.

SENATOR LAUZEN:

Senator Halvorson, is it your intention that nothing in this Act shall supersede the National Labor Relations Act and National Labor Relations Board's rules, regulations and processes related to the employer/employee relations, actions and communications? I mean, you don't intend to contradict federal law here, do you?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson. Senator Halvorson.

SENATOR HALVORSON:

Thank you, Madam President. Absolutely not. There's no intention at all, and I don't think it's even possible for any State law to supersede federal law.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

So this -- does that include communication, the purpose of which is the establishment of union representation of employees?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

SENATOR HALVORSON:

Can you please clarify what you mean by communication?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

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Any -- any activity, communication as it's typically meant.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

SENATOR HALVORSON:

This says you cannot use State dollars that are intended to the -- for the use of the mentally and disabled to do unionizing on work time. You can do things before or after work.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

But in all that activity, any activity that has to do with unionizing, that this bill's intention is to follow federal law and regulations?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

SENATOR HALVORSON:

Our intention is that this will not supersede any federal law.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Thank you very much. The State of -- reading from your bill, page 2, lines 24 through about 30, it says, "...the State of Illinois shall require as a condition of any contract or grant that the contractor or grantee remain neutral, as set forth in this Act, when a labor organization seeks to become (the) representative of their employees with respect to the decision of those employees to be represented or not to be represented by a {sic} (the) labor organization." Now, no matter where the money comes from, isn't this an infringement on the constitutionally protected free speech?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

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SENATOR HALVORSON:

All this says is that you will not use State funds to oppose or organize a union campaign.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

I would -- I would ask if that is not a limitation on the free speech -- constitutionally protected free speech of the people who are running these mostly nonprofit agencies, trying to do their best serving the mentally ill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

SENATOR HALVORSON:

As a purchaser of goods, the State has a right to make conditions on what that money is used for. We all have wonderful providers. I have many in my district, and this has nothing against the provider.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Going to the top of page 2, item (b), lines 1 through about 6, it says that your intention: "The General Assembly finds that the needs of its mentally ill and developmentally disabled citizens cannot be met if the services provided to them through reimbursement agreements, contracts, or grant agreements between the State of Illinois and contractors and grantees are subject to disruption." Now, could you help the -- this Body reconcile that statement of intent, namely to avoid disruption of services to these people who are so fragile and the ability of a union to strike?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

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SENATOR HALVORSON:

First of all, let me answer the question by first saying that I do not believe that this is relevant to what the bill does. Again, this bill is to ensure that State dollars are used for its intended purposes; however, it is my understanding that strikes in these facilities with union representation is extremely rare, and, in addition, any labor dispute, all parties do what they can to avoid a strike. However, in the cases one does -- a strike does occur, the care of the patient is always the primary concern and steps are taken to ensure that that care for these patients are provided.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

And -- and actually, it's my opinion, Senator, that that was not responsive to my question, that it's your bill, your wording, it says that the intention of this, the words, the -- let's say the sweet words are to not disrupt service, and yet, what you'd be putting in place with this is the ability of employees in these agencies to strike, therefore disrupt the care that's being given. In addition, and why it's so relevant, is that you know that, in the process of going through the creation of this bill, there was a proposal which you rejected, which would have said that there would not be any strikes in these, again, fragile situations of delivering services to these people who are in fragile condition.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Senator Lauzen, for pointing that out. I did not reject it. I know I did vote Present.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

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SENATOR LAUZEN:

Let me just observe that all of us know the impact of a Present vote. Finally, on page 6 of your bill, lines 17 through about 19, it says "Remedies for violation of this Act include but are not limited to injunctive and declaratory relief, specific performance, and monetary damages." Are there penalties to the union for any violation of this Act?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

SENATOR HALVORSON:

The unions have to -- thank you. The unions have to provide by the same provisions as employers and it will be abided by under the National Federal -- Relations Act.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

So are you saying that the fines that are applicable to the providers would also be applicable to the organization that's attempting the unionizing under -- under your...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

SENATOR HALVORSON:

Senator Lauzen, currently, the employer is in control. The employer imposes its own penalties among their employees, whether it's to lay them off or -- or fire them or anything else. So according to this, the employer is the one that has the leverage.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

If you would consider the -- what I actually said was not about the employees. I said that it's the organization that is attempting the unionization, so that's the organization, not the

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employees, and certainly, the employer has no control over a union that's trying to unionize.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

SENATOR HALVORSON:

This bill does not put restrictions on that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Would you repeat your answer? The question, again, is: Are there penalties to the union for any violation of this Act? It's a yes or a no answer.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

SENATOR HALVORSON:

Senator Lauzen, this is not something that'd have an -- yes or a no answer. Please repeat the question.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

For the third time, are there penalties in your Act - this is what you're proposing to put into law - in your Act, are there penalties to the union for any violation of your Act?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

SENATOR HALVORSON:

No.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Then this is -- then my final comment would be, with the answer to that being no, then, once again, this is another example

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of one-sided legislation that attempts to use the power of the State of Illinois to favor only one side in labor-organizing activity.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Madam President. This is just a -- a quick statement about some questions that have been raised with respect to either the constitutionality of this legislation and/or whether it abides by the National Labor Relations Act. At least with respect to the constitutionality, the -- the doctrine of free speech in the First Amendment certainly would prevent the State from telling an employer that they can't communicate about their perspective on various things. What that does not oblige the State to do, however, is to subsidize that speech, in the same way that if the State was providing funding to an organization, it could say, you know, "You can't use this money to promote a particular political party." That would not be a violation of the First Amendment for the State to say you shouldn't spend State money in promoting a particular political party. You're free to do so, but just not with State money. That's essentially what this bill is doing. I know of no provision in the National Labor Relations Act that would prevent this legislation from passing. I do not agree that this somehow advantages unions. What it does prevent is the possibility that State money is used to hire union-busting law firms or other organizations to carry on slick PR campaigns that essentially would prevent workers from organizing. That can be done. Just don't use State money. I would strongly urge that all of you support this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Parker.

SENATOR PARKER:



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Thank you, Madam President. With all due respect to the previous speaker, one of the issues that you talked about really is a procurement issue. We have opinions that say that this legislation actually is unconstitutional. It eliminates the federally guaranteed rights, and current law already prohibits employers, including not-for-profit corporations, in using their funds to engage in unfair labor practices. That's already in the National Labor Relations Act. This bill inserts the State into labor matters governed by the National (Labor) Relations Act, as amended, and people should know here that Department of Human Services, which all -- is all of a sudden thrown into this, is -- is against -- signed in opposed to the bill. We have here an opinion from the Department of Labor, because that was going to be an amendment that was put on -- there was a choice on whether it was going to be the Department of Human Services or the Department of Labor that was going to be thrown in the middle of this whole thing. Department of Human Services was chosen. They filed in opposition to this bill. Department of Labor wasn't chosen, but we have here an opinion where this bill would have been unconstitutional because they would have been put into the middle of this -- this thing and brought into this State matter. It -- this allows, also, for excessive fines against the employer for missing a reporting deadline without appropriate review by Department of Human Services. What the complaint or -- the way that the complaint works is very vague. It's a five-hundred-dollar-a-day fine that would have to be paid if a deadline is missed, if a reporting is missed, and those are funds that need to be served for the disabled. I have an opinion here on this particular bill, as amended, from James Serritella, who has argued before this -- the United States Supreme Court and who works with Catholic Charities and is very, very up on labor law, and it says, with this bill, "There are some internal difficulties

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with the proposed legislation..."

PRESIDING OFFICER: (SENATOR DONAHUE)

Ladies and Gentlemen, will you please take your conferences off the Floor? We cannot hear. This is obviously a serious debate. Please get your seats, take your conferences off the Floor. I'm going to start naming names here.

SENATOR PARKER:

This is an opinion from James Serritella, who is actually a labor -- he works on labor issues for Catholic Charities. He has argued before the United States Supreme Court, and his opinion on this bill, as amended, as it is before us, says, "There are some internal difficulties with the proposed legislation as well. Section 20, for example, authorizes a labor organization to file a complaint with the Department of Human Services if it believes that a contractor or grantee has violated the Act and requires the Department to order a contractor or grantee to render an accounting. This ex parte action without appropriate review by the Department violates fundamental fairness as well as the principles of due process." And he says, "In short, the proposed legislation is preempted by federal law and violates fundamental fairness and due process." And says it's unconstitutional. I want to read here so that you understand -- just -- just one second. I -- you need to know who is in opposition to this bill. The Association for Retarded Citizens, Clearbrook Services, Illinois Association of Rehab Facilities, Children's Home and Aid Society of Illinois, Catholic Conference of Illinois, Community Mental Health Authorities, Community Behavioral Healthcare Association, the Catholic Conference and United Cerebral Palsy. On behalf of these community providers, I would ask that this bill be defeated. If this is an issue we should talk about, do it when everybody has longer time, over the summer - due process, which due process is also not in this legislation for these important community

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providers.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senate -- Senator Molaro.

SENATOR MOLARO:

Thank you, Madam President. Heard some of the speakers talking about a bill, and I have the bill in my hand and I'm reading it, and I keep thinking maybe we're debating a different bill. So, all it says here, and I'm not going to get into the preamble because we all know that always gets a little wordy, very difficult to understand. We'll get to the part, the meat of the bill, that basically says what a neutrality agreement says. And it says here if you're going to get State funds, and you're an employer, you get these State funds, you can't use the State funds to promote the union, help the union, or to neutralize and negate the union, which certainly makes sense to everybody in this Body. We did it with Chapter I funds when we said we're going to give poverty funds. We certainly don't want those Chapter I funds to be used by these people that bring buses down here, and spend our money to lobby us. That money's supposed to be used for a certain purpose and that's for the poor children. Same thing here. This money is supposed to be used for a certain purpose, to help the elderly and the infirm. It's not supposed to be used to help or hurt a union. It also says that you cannot -- the employer cannot "require or prohibit", so that means the employer cannot help the union or hurt the union. It goes on to say "not to schedule or hold meetings" to help the union or hurt the union. And lastly, the only thing it says is to allow the organization the same opportunity, including right of access and to distribute. So, basically, all this bill does, it's pretty simple: You get State money, you cannot use that State money you get, to help the sick and elderly, you cannot use those dollars and if you're going to get forty thousand for a patient, say "I'm going to use five

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thousand of it to go out and help us get a union or to stop us from getting a union." That's all it says. As far as the other Senator's question as to is there prohibitions or fines against the union, when it talks about fines all it says is that, in view of the difficulty of determining actual damages, liquidated damages shall be awarded at the rate of a thousand or five hundred for each violation. Anybody who violates it. Whether it be the -- be the employer, an employee, or anybody else, there are violations. Now, it'd be very difficult, albeit, for the union to ever violate this, 'cause it doesn't make any sense that they would ever violate it, but when it talks about remedies, it doesn't say who it is. Now, that being said, I'll end it by saying this - we can talk about what it means and where it's going to go, but it's -- this bill is so simple: If you're going to get State funds, you cannot use it to promote or condone or stop a union. You can't do it either way. You're getting State money strictly to use for the patients, and it shouldn't be used for any other way. If you think that an employer should use it to promote or help other ideas, then vote No on the bill. But if you think that when -- when someone gets it and they should just use the money for the intended use, then you should vote Yes on this bill. It's that simple. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCZ:

Madam President, I move the previous question.

PRESIDING OFFICER: (SENATOR DONAHUE)

There are one, two, three, four speakers. Senator Thomas Walsh.

SENATOR T. WALSH:

Madam Speaker, should this bill receive the requisite number of votes for passage, I would like to ask for a verification.

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PRESIDING OFFICER: (SENATOR DONAHUE)

That is in order. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. {sic} President, Ladies and Gentlemen of the Senate. I just -- I have a few quick questions for the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

She indicates she'll yield, Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator, is this bill designed to correct a series of problems you've observed in -- in community-based organizations that work with this fragile, important population?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

SENATOR HALVORSON:

There have been some problems in the past. I -- I would not like to name names, because most of them have corrected the situations; however, it does happen from time to time, and -- and basically it's just coming down to the fiscal accountability, that we all require, when you're using State dollars. It's like we are all given a district office allotment, but none of us can use that to campaign or do anything political. It's the same thing. They're given State dollars, and those are the State dollars they can't use for or against the unions. It's as simple as that. We don't use our district allowance for anything political. They shouldn't be able to use their State dollars to do anything political.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you. So what you're saying is that you -- you don't necessarily have anyone that -- that you'd like to name. Is this -- is this bill -- you know, I've been before the committee that

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you ably serve on. Was this bill part of the agreed bill process, that mysterious process that I've been in search of ever since I was elected?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

SENATOR HALVORSON:

This is not a workmen's comp issue.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, it's good to know that it's only workmen's comp that is -- that you guys raise that objection to, so I guess we can get into the discussion of unionization without that. Is there -- does -- does the Senator believe that there's an appropriation impact to passage of this bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

SENATOR HALVORSON:

There was a fiscal note, and it came to fifty-two thousand dollars, from the Department of Human Services. They believe that's what it would cost for the extra staff to possibly take complaints.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Perhaps I didn't speak clearly enough. Do you -- do you believe there'll be an appropriation impact to the providers resulting from this legislation?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

SENATOR HALVORSON:

No, I do not, because in any kind of collective bargaining,

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you've got everybody there at the table, and if the providers don't believe that they have the money, they're going to be working with the people at the table. Now, if there were a provider that felt they had to give money that they didn't have, I would consider that more of mismanagement.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

So what you're saying, Senator, is there's no linkage between the House Leadership support and the AFSCME support of a differential Human Service provider COLA for DD facilities and DD services this year, where they're recommending five percent versus three percent or less for the rest of Human Service providers. So you don't think that's in response, in any way, to this legislation or to perhaps AFSCME's interest in these -- this group of providers?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

SENATOR HALVORSON:

I do not believe that that has an impact. Granted, if we were providing more money, we would be able to provide the funds necessary; however, they did say that this was more to protect the environment, not to raise salaries.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, I'm excited to hear that this is an environmental bill. Is there -- is there anything that I should take note of, like the fact that this -- this is created in a new Act which is related to all human services, so it might perhaps be easily expanded to anyone who contracted with the State in human services? Should I take note of that?

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

SENATOR HALVORSON:

That's not the intent of this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Just one last question. Since we're very concerned about the resources for these providers and these people that are providing care for this fragile population, can you tell me again who pays the fines if they're fined under this -- this brand-new statute? Who would pay those fines?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

SENATOR HALVORSON:

The facility.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Is there any limitation saying that they can't pay those fines out of State funds or funds used otherwise to provide care or salaries for people that work in the -- is there any protection for us that, perhaps, fine money might cause harm to the care process?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

SENATOR HALVORSON:

First of all, the bill does not state that; however, we all know that the primary interest of everybody is the care, and fines would be probably not going to happen. But it's still about fiscal accountability and I think we need to take that into account.

PRESIDING OFFICER: (SENATOR DONAHUE)



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Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I happen to have a couple of these facilities that you are talking about in my district, or at least in my county. One of them is the Marklund Home. These are children who are -- are profoundly retarded, which means they'll never walk or talk or crawl or feed themselves. Another one is the Phil Rock School, which is for our deaf and blind children. These are either State institutions or they are -- community institutions. Regardless, they not only receive State monies, they also receive other monies - benefit monies, monies from parents, monies from siblings, monies from good-hearted people. Now, if there are pamphlets that are printed by the -- by the institution, can you tell me, how do we differentiate whether it is State money that is being used or whether it is the benefit money?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson.

SENATOR HALVORSON:

Well, we require State agencies to do reporting all the time. They do it all the -- every -- the -- they have different reports and different funds.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

You are wrong. They have monies that are in their accounts. Part of it is used for maintenance of the children and there are extra monies that they use to also maintain the children, because, frankly, right now, a lot of those children could not be maintained at the -- at -- the way they are unless the good-hearted citizens threw in extra cash. And there is no way to tell whether that piece of bread was bought with local monies or

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State monies. There is absolutely no way. Or whether that employee was paid by State money or whether it was paid by contributions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator -- Senator Halvorson. I just gave her the opportunity to answer, Senator Fawell. Senator Halvorson.

SENATOR HALVORSON:

Thank you, Senator Fawell. But from my experience, most people do have two accounts. You just open a different one if you only have one. The reporting is separate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

You are wrong. You are absolutely wrong. I have been on the boards of these facilities, and you are wrong. There is no way to tell whether that monies that are gathered locally, with local taxes or local benefits or local raffles or whatever it is, or parents' money, is money that is being used by maintaining those children or whether they are being used to print pamphlets. There is no difference.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Madam President. I'd like to address two separate questions. One was the constitutionality of this and one was the due process question. One of the speakers quoted a lawyer who has appeared before the United States Supreme Court and said that this has to be unconstitutional because I'm a lawyer and I have appeared before the Supreme Court; in my interpretation, this is unconstitutional. Well, I don't think that's the case. There was a -- a case somewhat similar to this years ago concerning cleaning

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up the Boston Harbor. It's referred to as the Boston Harbor case. When the Massachusetts Water Resources Authority, in a contract to clean that harbor up - they were ordered to do it because it was so polluted - they required potential contractors to sign a project labor agreement in order to bid on the contracts. In that agreement, it dictated wages, hours, terms of employment the contractors would use...

PRESIDING OFFICER: (SENATOR DONAHUE)

...on, Senator Welch.

SENATOR WELCH:

I think it's the people out in the hallway again. The project labor agreement that was agreed to and upheld by the United States Supreme Court dictated wages, hours, terms of employment, so there wouldn't be any labor shutdowns at all. There wouldn't be any labor problems. The Supreme Court upheld the use of this labor agreement because the Authority had a strong interest in the cost savings it would achieve. The legislation before us is much less intrusive than that Boston Harbor labor agreement. There's no requirement an employer agree to anything. Instead, it merely ensures that union organizing drives do not interrupt the efficient and quality flow of services to our most-needy citizens. And let me say on this due process issue, about the fines being levied: Is there any limit to those fines? Yes, it's a daily fine. Stop doing what you're doing. That'll stop the daily fine. It's five hundred dollars a day. Stop doing it. That will limit the fine to five hundred dollars. So it seems to me that due process is granted here; the defendant is given a fair hearing before there is a penalty. The penalty for a violation is ordered by a judge. That guarantees them a hearing. And the employer is granted that due process throughout the court system, not some group of individuals run by the labor union, as appears to be the theory here. So it seems to me this is a good bill. It should be

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on the books in the State of Illinois. I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Halvorson, to close.

SENATOR HALVORSON:

Thank you, Madam President. I thank everybody for the spirited debate. Again, it's just about fiscal accountability. It's just about the use of State funds going towards the mentally ill and the developmentally disabled. That's where the dollars should go, and I believe if we did have more money and we were providing the care and the services, we probably wouldn't even be having this argument right now. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 1959 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 23 {sic} (22) Nays, 1 voting Present. House Bill 1959, having received the required constitutional majority, is declared passed. Senator Walsh, for what purpose do you seek recognition?

SENATOR T. WALSH:

Verification, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

A verification is in order. Madam Secretary, will you please -- will you please read the affirmative roll call?

ACTING SECRETARY HAWKER:

The following Members voted in the affirmative: Berman, Bomke, Bowles, Clayborne, DeLeo, del Valle, Demuzio, Dudycz, Halvorson, Hawkinson, Hendon, Jacobs, Emil Jones, Lightford, Link, Lisa Madigan, Robert Madigan, Molaro, Munoz, Obama, O'Daniel, O'Malley, Radogno, Rea, Shadid, Shaw, Silverstein, Smith, Sullivan, Trotter, Viverito, Larry Walsh, and Welch.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Thomas Walsh, do you question the presence of any Member?

SENATOR T. WALSH:

Senator -- Senator Hendon.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hendon. Senator Hendon? He's in the back of the Chamber.

SENATOR T. WALSH:

Senator Cullerton.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton is not on the roll, sir.

SENATOR T. WALSH:

Oh. I'm sorry. Senator Trotter is right there.

PRESIDING OFFICER: (SENATOR DONAHUE)

He's in his chair.

SENATOR T. WALSH:

Senator Smith. Is she...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Smith is in her chair as well, Senator.

SENATOR T. WALSH:

Okay. Hi, Margaret. Well, I'm -- I'm -- I'm glad to see that the Madigans are finally getting along. Too bad the Joneses and the Walshes can't get along like they do on bills like this. No further -- no further...

PRESIDING OFFICER: (SENATOR DONAHUE)

On a verified roll call, the Ayes are -- the Ayes are 33, the Nays are 23 {sic}, 1 voting Present. House Bill 1959, having received the required constitutional majority, is declared passed. ...I could have the attention of the Membership. We are going to go to the order of budget, basically, and take the budget bills. On page 9, in the middle of the page, you will see House Bill

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2518. Senator Rauschenberger. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 2518.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. {sic} President, Ladies and Gentlemen of the Senate. This is a budget implementation shell that we're going to put in conference so that we're prepared, after a hard weekend of work and some extra time, to -- to be ready to move.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall House Bill 2518 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 2518, having received the required constitutional majority is declared passed. Top of page 10 is House Bill 2793. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 2793.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. {sic} President, Ladies and Gentlemen of the Senate. House Bill 2793, again, is a budget implementation shell bill that we've amended to send over to the House to put into conference. Appreciate favorable support.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall House Bill 2793 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. House Bill 2793, having received the required constitutional majority, is declared passed. On the bottom of page 5 is House Bill 303. Senator Rauschenberger seeks leave of the Body to return House Bill 303 to the Order of 2nd Reading for the purposes of an amendment. On the Order of 2nd Reading is House Bill 303. Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger, on Amendment No. 1.

SENATOR RAUSCHENBERGER:

Thank you, Mr. {sic} President, Ladies and Gentlemen of the Senate. Amendment No. 1 strips the bill and makes it a vehicle -- it strips the effective date and we'd like to add this amendment and also send this bill over to conference. This may be, in the end, a vehicle for the debt authorization of the State.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

Boy, I tell you, this is amazing. This decreases the bond authorization? This is a great bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Oh! I -- I just wanted to point out that the work they do

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over in the House is always amazing, and I'm very happy to help support the bills they initiate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Just a quick question for the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR LAUZEN:

This -- this bill is not -- doesn't have anything to do with the Illinois FIRST project, right? This is the existing bond authorization of the State.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

This -- this is a vehicle bill that was originally introduced as part of the process as a Build Illinois, before there was even an Illinois FIRST program. But it may, in the end, contain authorization limits which are going to be necessary for us to do either our regular bonding program or any other bonding program that we, as a Body, agree to.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further 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?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. On the Order of 3rd Reading is House Bill 303. Senator Rauschenberger. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 303.



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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. {sic} President, Ladies and Gentlemen of the Senate. I appreciate the Chamber's indulgence to move this immediately out of Chamber. It's now in a shell posture. We'd like to put it in conference.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Seeing none, the question is, shall House Bill 303 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, 1 Nay, none voting Present. House Bill 303, having received the required constitutional amendment {sic}, is declared passed. On the Order of 3rd Reading, in the middle of page 9, is House Bill 2527. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 2527.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. {sic} President, Ladies and Gentlemen of the Senate. By way of information for all of the Members of the Appropriation Committee, this is the clean supplemental. We have no -- we have no agreement on the amendment that was considered in the Appropriation Committee an hour and some minutes ago. So this is the supplemental as it's been on our Calendar now, I think for

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a total of five, seven weeks. It includes the -- the money necessary for Comptroller Dan Hynes to retire the debt for his computer system. It includes a million dollars for the State Police to purchase State Police cars immediately. It includes language changes for Members of all four caucuses in both Chambers for corrections of Member initiatives that were -- had flaws in the drafting. I'd appreciate favorable consideration. I'd be happy to answer questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Welch.

SENATOR WELCH:

...Chairman, the committee adopted an amendment and the work of the committee is -- is being ignored, and for that reason, I'd like to make a motion to move this bill back to 2nd Reading and a motion to adopt the amendment, Amendment No. 2, to House Bill 2527, which was the purpose of the Appropriations Committee hearing earlier this afternoon.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator, I -- I appreciate your -- your question, but the amendment was a Floor amendment, which we considered in committee. I was the sponsor of the amendment; I am the sponsor of the bill. I appreciate your interest in the amendment and we tried to work that out with the principal whose budget we were amending, but if you recall, there -- it was only Republicans that voted Yes anyway. We only had Present votes from the Democrats. We certainly didn't want to upset the delicate balance here. So we're not going to offer the amendment.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

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Well, my point still stands. This was adopted -- it was adopted as a Floor amendment. It went -- it was a Floor amendment. It was adopted by the committee. It got a majority vote, regardless of who voted for it. Now, we see -- we see the wisdom of that amendment...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch. Senator Welch. It is a recommendation Do Adopt. It is not adopted by the committee. It's a Floor amendment recommended to adopt. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I appreciate everybody's concern about that missing Floor amendment. We do have the supplemental that we've all had before us that I think answers everybody's questions. Certainly takes care of Comptroller Dan Hynes, makes progress for Jesse White, Secretary of State. Other issues that have not been addressed in this because the amendments weren't approved by the constitutional officer in question certainly are going to be part of the continuing discussions. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Welch.

SENATOR WELCH:

Well, I think that we're making up rules here as we go. There was an amendment offered. It was recommended for adoption to the Floor. I think we should accept the recommendation of the committee, and I think that a motion to adopt that amendment is in order, on the Floor, of a Floor amendment.

PRESIDING OFFICER: (SENATOR DONAHUE)

We don't amend bills on 3rd Reading, Senator Welch. Senator Hendon.

SENATOR HENDON:

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

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PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Hendon.

SENATOR HENDON:

Senator Rauschenberger, in the transportation portion of this supplemental, are there any dollars in here that are going to the Chicago Transit Authority, to CTA?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Hendon, this is the supplemental that dealt with spending pressures for State agencies, corrections of Member projects, and the agreement with the Comptroller's Office. There's no discussion of CTA, Metra, airports, there's no airplanes in here, to the best of my knowledge, or parts of airplanes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Yeah, I just -- I just wanted to ask -- as a parliamentary inquiry...

PRESIDING OFFICER: (SENATOR DONAHUE)

State your inquiry, sir.

SENATOR DEMUZIO:

Forget the substance of the amendment. The procedure is that the amendment was filed, was referred to the Appropriations Committee from Rules. The Appropriations Committee, it's my understanding, made a motion that was successful to adopt the amendment. It has now been read back into the record in the Senate, and the gentleman has failed to move to adopt the committee amendment after the committee has taken action. Now, forget this amendment, in terms of the -- the substance of this amendment, is the Chair now saying that anytime any amendment is

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adopted in committee, it's read back into the record here, that we can ignore what the committee has done?

PRESIDING OFFICER: (SENATOR DONAHUE)

...essence, Senator Demuzio, the sponsor is in control of that bill, and if he doesn't wish to recall it to 2nd Reading to adopt that amendment, he can proceed. Oh, sorry. Senator Demuzio.

SENATOR DEMUZIO:

Procedurally, then, the bill was always on 3rd -- the bill was on 3rd prior to the amendment being filed, and when the amendment went down to the Appropriations Committee and was approved and we were back here, the bill always remained in the same posture on the Order of 3rd Reading.

PRESIDING OFFICER: (SENATOR DONAHUE)

Yes, sir. And I will -- it is on 3rd Reading, has been on 3rd Reading, and the sponsor has not recalled it. But I will reiterate my statement that the -- it is a recommendation from the committee for the adoption of a Floor amendment. Senator Demuzio.

SENATOR DEMUZIO:

...the record to reflect that, first of all, the committee did move the adoption of the amendment; it was, in fact, successful. The action, then, is just to ignore the committee. The sponsor has every right, as -- as the sponsor of his bill, on the Order of 3rd Reading, not to call for the amendment. Okay. I just wanted to make that sure that we are not getting ourselves into a precedent here that we are starting to ignore committee amendments, or any other amendments, for that matter, that come from committee. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Trotter.

SENATOR TROTTER:

Thank you very much. To the bill: Because of the confusion that has been caused by us discussing the procedural activity, I

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would like to say the bill, as written, we are in favor for it.  
Okay? For the Members.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Seeing none, Senator Rauschenberger, to close.

SENATOR RAUSCHENBERGER:

Thank you, Mr. {sic} President, Ladies and Gentlemen of the Senate. I appreciate my spokesperson's kind words. We have tried to make sure that the information about this was available to committee Members. I realize the appropriations process gets confusing at the end, but the amendment was supposedly an -- to -- was supposed to be an agreement with the Secretary of State's Office that they have subsequently rejected. Senate Republicans voted for the amendment. The Chairman tried to bring the amendment with -- but did not get the cooperation of -- okay, Secretary of State. I'd like a roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 2527 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 -- 59 Ayes, no Nays, none voting Present. House Bill 2527, having received the required constitutional majority, is declared passed. In the middle -- or, the top of page 5 is House Bill 52. Senator Rauschenberger. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 52.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

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Thank you, Mr. {sic} President; Ladies and Gentlemen of the Senate. House Bill 52 now includes the budget for agencies that we dealt with in committee that decided that we felt we would not change from the Governor's introduced levels. It includes the Southwestern Illinois Development Authority, the Illinois Planning Council on Developmental Disabilities, the Department of Human Rights, the Department of Military Affairs, Illinois Farm Development Authority, Department of Nuclear Safety, Environmental Protection Trust Fund Commission, East St. Louis Finance Authority, Racing Board, Department of Lottery, Department of Employment Security, Pollution Control Board, Property Tax Appeal Board, Department of Insurance and Department of Transportation. The general revenue is a hundred fourteen million four hundred and forty-one thousand three hundred dollars. Other State is six billion forty-six million eight hundred and seventy thousand four hundred dollars. Federal dollars appropriated in these bills are seven hundred and fifty-one million four hundred and thirteen thousand five hundred dollars. For a total of six billion nine hundred and twelve million seven hundred and twenty-five thousand two hundred dollars. These agencies are precisely the same posture as introduced by our Governor, George Ryan. I would appreciate favorable consideration of this, and I would note that due to the cooperation of the House and they're unwillingness to move agency bills, as their rules seem to indicate, we're able to do all these agencies on a single bill instead of spending two to two and a half hours on 'em.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Trotter.

SENATOR TROTTER:

Thank you very much. Just want to inform the Members on our side that this is part of the negotiations that have been ongoing between both sides of the aisle, and it's very positive that we're

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moving this fast. And if we can continue to move this good and this fast, we may be out of here by next week, and I ask all to vote Yes for this.

PRESIDING OFFICER: (SENATOR DONAHUE)

Question is, shall House Bill 52 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. House Bill 52, having received the required constitutional majority, is declared passed. On the top of page 5 is House Bill 5. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 5.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. {sic} President, Ladies and Gentlemen of the Senate. House Bill 5 now contains the budget for the State Board of Education. It completely fulfills George Ryan's commitment in the election to fund education at fifty-one percent of new general revenue. Provides appropriations for all of the State Board of Education. Appropriates 2.9 billion dollars for general State aid; allows for the four-thousand-three-hundred-and-twenty-five-dollar-per-student foundation level and the 1.05-percent high school calculation rate that this Chamber has endorsed. It also allows twenty-five million dollars for adjustments to the State aid formula. Provides two -- twenty-five million dollars for general State aid for the double whammy, 48.8 million dollars for general State aid hold harmless. Provides -- funds Technology for Success Program, including two million



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dollars general revenue for the Illinois Century Network. Provides funding for the Reading Improvement Block Grant. Fully funds ISAT and Prairie State Exam at the requested levels. Fully funds substance abuse -- substance abuse and violence prevention, adult education and other lines. Provides eleven million dollars for the Illinois Charter School Program. Fully funds the FY2000 request for the Early Childhood Block Grant. Funds new -- new initiatives such as the AEWL system of support and Certificate Renewal Administration {sic} (Administrative) Payment program. Provides funding for the regional office of education and the ISC operations and grant programs. Allows four-percent growth for agency operations. And, finally and most important, fully funds the categorical reimbursements of the State of Illinois, our obligations to school districts, with two hundred and thirty-two million dollars. I would appreciate favorable consideration.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Madam -- Madam President and Members of the Senate. There -- we do have some concerns with this bill. As stated by the sponsor, there are certainly some great things here; however, we are pretty concerned on this side of the aisle with the 67.9-million-dollar reduction in the Governor's proposed increase for general State aid. We have all agreed in the past that general State aid is the lifeblood of our education system. We also have concerns with the -- the reductions of 30.9 million dollars from the school safety and education improvement grants. At this time, with all that's going on in this country, the violence and the -- the things are just -- are out of whack, these kind of dollars, we believe, need to be in this budget now. These are the kind of dollars that we need to address the concerns of the -- the problems that are going on in our schools. We also

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have a concern with the ten million dollars in reduction to the Governor's classroom teachers' initiative. We think, for one, this is going to jeopardize that sixty million dollars that we're supposed to be getting back in matching funds from the feds. We have all said that we want for smaller classrooms, that we need more teachers, better training. These cuts, or these reductions in growth, will jeopardize those kind of initiatives. So we have a lot of apprehension at this time with this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. Senator Rauschenberger, there were a number of amendments filed and those amendments actually were not heard by the Approp Committee. One of those amendments I filed to establish a -- a line for after-school program funding. The State Board of Education Superintendent has indicated his support. We have more and more school districts looking at developing after-school programs. We have governors throughout the country who have taken the leadership role, as I hope Governor Ryan will here in the State of Illinois, to develop after-school programs, particularly in school districts where children are underachieving, where there is a need to provide the additional assistance in order to help them meet State standards. We're pretty good at establishing standards and statewide goals, but then when we see school districts where there are difficulties because of the lack of resources and other problems that come to bear, we aren't taking the steps necessary to assist those school districts. I would hope that before we leave, before we adjourn this Session, that we would be able to find a way of putting some dollars into the budget for after-school programs, to address not only the academic concerns but also to address the safety concerns, also to make sure that our youngsters are able to engage

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in constructive activities between the hours of 3 and 8 o'clock in the evening when most of juvenile crime is committed. There are lots of great things that can be done. The federal government has come on line. They're providing a limited number of dollars for this purpose. Local school districts, like the City of Chicago, are providing money for the Lighthouse Program. The only governmental entity that has failed to come on line with after-school programs is the State. And I can't believe that during a year when we're looking at a surplus, when we're looking at dollars that could be used for this purpose, we are failing, we are failing to take the action that we need to take here in this Body. And so I would hope that before we leave, that we will be able to have some after-school program funding in the budget.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Madam President. We're confronted with the problem that we are faced with every type of large appropriation bill for a multifaceted agency. I want to compliment all of us for doing something that is long past due, and that is fully funding the categorical grants. We have neglected them, neglected some of our neediest children from the point of view of their abilities to get a quality education. This bill fully funds special education. That's very important. I think a Yes vote today, which I intend to give to this bill, delivers the message about our response to fully fund the categoricals. It does not mean - and I'm putting this of record - that I or my colleagues who are -- may vote Aye are agreeing with the reduction from the Governor's level of general State aid. And I would hope that my good negotiating colleagues on the other side of the rotunda will bring general State aid up to at least the Governor's level, because we have money in the treasury and we ought to be better funding education

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than is here for the general State aid thing. But when I weigh the pluses and weigh the minuses, I'm going to come out as an Aye, hoping that we can, within a week, come back and be even more enthralled with the final product on behalf of all of our children and, at that time, vote Yes again. Today I'm going to vote Yes also. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Trotter, for the second time.

SENATOR TROTTER:

Thank you, Madam President. I do apologize for rising for a second time. Like Senator Berman, I, too, applaud the other side for actually working and -- and putting together a good package. But we have all said over here, as you heard from the previous speakers, it could be a better package. We're hoping that this package will be worked out on the other side. This is a great process that we have, and it could be an even better process if we all work together and in tandem with each other. So I'm going to ask the Members on this side to vote Yes for this, to continue this process, to working for the next week.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further discussion? Senator -- to close -- Rauschenberger, to close.

SENATOR RAUSCHENBERGER:

First of all, I'd like to thank Senator Trotter for his gracious words. I don't think I've ever carried an appropriation bill here that I was totally satisfied with or thought that I did everything it could, and this is truly a work in progress. There'll be changes to this. I -- I would point out a couple of things, 'cause I know there's concerns. Senator del Valle, I -- I would want you to know that we're very concerned about after-school activities as well. We're supportive of the Teen Reach program in DHS, and that's a model we think is important. I

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think we believe this year that it was most important to try to get the money to the districts that they had spent in meeting our mandated requirements first, but -- but we do understand your concern and we need to work together in both State Board of Education and DHS because I believe that after-school activities can make a difference. And I certainly welcome the warm words from Senator Berman. It is important, I think, to own up to our responsibilities on the -- the categoricals. I would point out however, though, that when we came to consensus eighteen or twenty months ago about what foundation levels were and put into statute with a continuing appropriation, with much concern on my part using a continuing appropriation, we settled on a foundation level. And I believe that we should appropriate to that foundation level, not to some level of disposable income. If we have extra resources in this budget - I think Senator del Valle is right, and I think other people are right - we need to -- to prioritize that money. We need to meet our foundation responsibilities under the statute in the continuing appropriation, our categorical responsibilities, and then we need, with the rest of the money, to do the best we can. But I certainly appreciate the thoughtful debate and comment. I -- I look forward to a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Question is, shall House Bill 5 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 5, having received the required constitutional majority, is declared passed. Leave was granted previously to return to House Bill 606, which is on page 6, in the middle. Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY HARRY:

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House Bill 606.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver.

SENATOR WEAVER:

Thank you, Madam President. House Bill 606, with Senate Amendment No. 1, would allow riverboats to petition the Gaming Board for permission to conduct dockside gambling. The Board shall have the discretion to grant or deny on a case-by-case basis. That's all that it does.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. {sic} President. I just stand in strong support of Senator Weaver's motion.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Emil Jones.

SENATOR E. JONES:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Jones.

SENATOR E. JONES:

Senator Weaver, this is a clean bill. Do you intend for the bill to be clean or do you intend to put more cargo on this vessel that you're trying to sail out of here?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver.

SENATOR WEAVER:

I intend to adhere to the request of the House sponsor. That's exactly what it does. The heavy lifting may be done by the House on another bill.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Emil Jones.

SENATOR E. JONES:

Well, as one who is in favor of the cargo that's currently on this light tanker, but we'd hate for the -- that tanker to come back here loaded with a lot of stuff, contraband, tax breaks for the millionaires and things of that nature. Now, I don't think you want that type of cargo on the ship that may get torpedoed by some Members of the House. But if it happened to clear the House, I'll be working like heck to make sure that tanker is sunk. So why don't you give the Body the assurance that we would take care of dockside for those who need it and you would not accept an amendment that would be detrimental to the people of the State of Illinois? Can you promise us that?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver.

SENATOR WEAVER:

That's a pretty big promise, Senator Jones. I don't control the House. I don't have the gavel over there. I don't control the committees. There's vehicles over there if they wish to accommodate you or anyone else, but I -- I would presume that this would be a clean bill, maybe never even see the light of day in the House. But Senator Jacobs and Representative Brunsvold have been working for years to try to save a boat in their community, and I think if this request comes before the Gaming Board, they would certainly consider it. You know, we -- we depend on gaming to supply a good many million dollars to education. We've just talked about the needs of education, the expanded needs of education. So I -- I'm just trying, in this case, to protect that revenue that we have and hopefully it will increase a little.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones.

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SENATOR E. JONES:

Well, in keeping -- what the -- the President said in relationship to another piece of legislation that was sponsored by Senator Rauschenberger, that the sponsor has control over his bill, and anything they put on the bill, you have control as to whether or not you would accept that. I'm not speaking about what the House does. They -- they do crazy things, but you have control. You should promise this Body that you won't do anything or accept anything that will prevent this bill from passing, staying clean, to see that we have dockside. But if it is a subterfuge, if -- if this is just a camouflage attempt to load it in with all that Arlington tax breaks and things of that nature, then you're not doing this Body any justice, you're not doing dockside any justice. So you should give us that assurance, since you control the bill from this point, that -- that you would be not party to anything that would be -- be detrimental to dockside gaming in the State of Illinois.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Madam President. I -- I, too, rise in support of this bill, as -- as it currently is. I mean, it's very important for my area, in which I have a boat in my district. Where Missouri is eliminating the cruising requirement and they're looking to become more competitive with us, I think at the same time, as -- as Senator Weaver has said or stated, is that we have to make sure that these boats remain viable, especially when it means so much to the local economy in -- in providing jobs and opportunities for those who otherwise did not have that opportunity. So I, too, rise in support of the bill as it is.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Demuzio.



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SENATOR DEMUZIO:

Well, thank you, Madam President. Ladies and Gentlemen of the Senate, I want to indicate that the only reason that I rise in support of this bill is because of the fact that I think myself and Senator Shadid and others in the past have had bills that would have prevented check cashing and -- and the credit card machines on the boats. I have a number of constituents in my district, which will remain nameless, who have gotten themselves into some very serious trouble by being on the boat, losing, continuing to go to those cash operations to get more money. The fact is, when you're cruising, you can't get off, and as a result, I'm supporting dockside because I hope that this gives some incentive for those people, one, hopefully not to go; secondly, if they do get on and they're losing, give 'em the good sense to get off and go back home. And that's why I'm voting for this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Weaver, to close.

SENATOR WEAVER:

Thank you. And I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Question is, shall House Bill 606 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 36 Ayes, 22 Nays, none voting Present. House Bill 606, having received the required constitutional majority, is declared passed. ...are going back to where we left off on the bottom of page 8 with House Bill 2005. It'll be Senator Trotter. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2005.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Halvorson, for what purpose do you rise?

SENATOR HALVORSON:

Thank you, Madam President. A -- I -- my switch didn't work and I would like to be recorded on 606 as a No. From the last...

PRESIDING OFFICER: (SENATOR DONAHUE)

The record will so indicate. Senator Trotter, on House Bill 2005. It's been read, Senator. I'm sorry. Senator Trotter.

SENATOR TROTTER:

Oh, I'm -- I'm sorry. Thank you very much, Madam President and Members of the Senate. House Bill 2005 is a City of Chicago initiative which addresses four issues regarding residency requirements and terms in office. It states that a person is not eligible for the office of alderman of a ward unless that person resides in the ward from which or he -- he or she is elected. It also adds that the Chicago -- in Chicago, the mayor, city clerk, city treasurer, aldermen shall take office at noon on the first Monday in May following their election. This addresses a problem that we saw in the City of Chicago when, after the primary election, those who had a runoff were sworn in at different times. This makes it more uniform. Thirdly, it says that, after redistricting, a person may be eligible for the office for alderman of any ward that contains a part of the ward in which he or she resided at the time of redistricting. It also requires a person who did not reside within the ward to reside within that ward no later than twelve months following the election. And I just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall House Bill 2005 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the

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record. On that question, there are 56 Ayes, no Nays, 1 voting Present. House Bill 2005, having received the required constitutional majority, is declared passed. Senator Cronin, on House Bill 2008. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2008.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This is a bipartisan effort to bring some development into an area of west Cook County. It creates the 25th Avenue Railroad Relocation and Development Authority Act with the powers of the existing Grand Avenue Railroad Relocation Act, which was created in 1995, just in the neighborhood. It authorizes the Authority to sell, transfer, exchange, vacate or assign property. It permits the Authority to borrow money and sell bonds, but explicitly prohibits the Authority from any levy for property taxes for purposes -- for any purpose whatsoever. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is -- is there discussion? Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Madam President. I'd just like to speak on behalf of this bill. It is a joint effort by my communities, as well as Senator Cronin communities, to fix the problem there. It is an unsafe area, crossing the railroad there, and I hope that you would consider an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further discussion? The

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question is, shall House Bill 2008 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 2008, having received the required constitutional majority, is declared passed. Senator Dudycz, on House Bill 2103. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2103.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator -- Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Madam President. House Bill 2103 amends the Code of Corrections to provide that if a person convicted of a felony or adjudicated guilty of an offense which would be a felony who is in the custody of the Department of Corrections, or a person on parole or mandatory supervised release informs the Department of Correction that he or she has resided, resides or will reside at an address that is a housing facility owned by a public housing agency, the Department must send written notification of that information to the public housing agency. There were two amendments that were adopted requiring the particular housing authority to immediately notify the leaseholder residing at the facility and deleting the requirement that Corrections must inform the housing agency of a juvenile who has been adjudicated delinquent for an offense that would be a felony if the person had been an adult. This -- these amendments were put in at the request of the Judiciary Committee. This is an initiative of the Chicago Housing Authority. I think all objection has been removed, and I would seek your support.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Hendon.

SENATOR HENDON:

Senator Dudycz, under one of the amendments, and I believe it's Amendment No. 2, it states that eviction of the leaseholder can begin even before the felon is released. Is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCZ:

I believe you're referring to Floor Amendment No. 1, Senator Hendon. That requires the -- the Housing Authority to immediately notify the leaseholder residing at the facility and provides that the Housing Authority may not evict the leaseholder unless the authority proves by preponderance that the leaseholder had knowledge of and consents to the felon's or adjudicated delinquent's intent to reside at the leaseholder's address. This was brought up in committee by Senator Obama, and I believe the amendment addressed the concerns of the residents who had testified in the committee. And I believe that this amendment and all concerned believe that this amendment has removed all objection to the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hendon.

SENATOR HENDON:

Okay. I -- I just want to be clear on -- on one part, Senator Dudycz - and I appreciate what you're attempting to do here - and that is the part -- I just want to be clear on it. Are you saying that Senator Obama's concerns were addressed as to beginning the

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eviction proceedings before the felon is released? Because that -- that's my concern, is that someone may be -- maybe someone's son or daughter who says, "Mom, I'm going to come home when I get out," and the parent may say, "You can't," but since the felon has said, "That's where I'm going," can the Authority begin the eviction process, even though that felon has not been released?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCYZ:

The information I received is, no, they cannot begin the eviction procedures, and that is also covered under federal law. Has nothing to do with this bill, sir.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Molaro.

SENATOR MOLARO:

Well, if that's covered under another bill, then I'm having a problem trying to figure out what exactly this bill does, 'cause from reading the -- I don't have the bill in front of me, I have the analysis - it basically talks about that if someone's in jail and they are a felon and they're going to be released and they're saying they're going to live at a CHA housing project, that the CHA must be notified?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCYZ:

That -- that's correct. All this says is if -- if someone is going to be released, they inform the Department that, I lived -- I do -- "I shall live in the public housing," that the Department

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of Corrections would notify that Housing Authority.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Molaro.

SENATOR MOLARO:

...guess I got to ask then, may -- the felony, apparently, from this, doesn't have to be committed on CHA property. As a matter of fact, it could be some other felony?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCZ:

The -- the federal government requires anyone who has been convicted of a felony to be evicted and prohibited from living in the CHA apartment. What this legislation does is requires the Department of Corrections to inform the -- that Housing Authority that they intend to move in, or that's their desire.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Senator Dudycz? The question is, shall House Bill 2103 pass. Those in favor will vote Aye. Opposed, Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, 1 voting Present. House Bill 2103, having received the required constitutional majority, is declared passed. Senator Clayborne, on House Bill 2148. Senator Clayborne? Senator Dudycz, on House Bill 2163. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2163.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCZ:

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Senate {sic} Bill 2163 creates the International Tourism Fund, Madam President. What it would do, would divert six percent of the hotel-motel tax from GRF to the Fund, which would be a grant program established through DCCA for international tourism in Illinois. I'll be happy to answer any questions, otherwise would seek your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Seeing none, the question is, shall House Bill 2163 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 6 voting Nay, none voting Present. House Bill 2163, having received the required constitutional majority, is declared passed. Senator Klemm, on 2261. Senator Klemm? Senator Watson, on House Bill 2320. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2320.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Yes. Thank you very much. I come to the Body and ask for help in regard to the Mid-America Airport. That's what we're doing here. We're allowing an enterprise zone to be established in the surrounding area, around Mid-America Airport. You may or may not be aware, Mid-America Airport is a new airport in the Metro-East area. We obviously are having some problems in attracting airlines, and they're working diligently and hard, and hopefully something will -- positive's going to come from this. But this would help, at least from an economic point of view, establish an



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enterprise zone and the benefits that come with it in the surrounding area of -- of the airport. We amended the -- the bill and put some language in there for Senator Sieben, and what it did, it allowed for the Whiteside/Carroll County Enterprise Zone to be extended for ten more years, but it was tightened up considerably to only allow for industrial purposes for a specific industry that they're trying to keep in the area. So that's what the legislation does, and I'd appreciate any support I can get.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Is there discussion? Senator Emil Jones.

SENATOR E. JONES:

Yeah. Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Jones.

SENATOR E. JONES:

Senator Watson, I was watching "60 Minutes" maybe about two -- two or three months ago, and they spoke of a airport that was built with all these public dollars, where there was no airlines, just sitting there. I don't know if it's two, three years ago. It's been just sitting there with no airlines coming in. Is this the one you're talking about?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

This airport was built for several purposes; one, of course, obviously, was for travel, but it's also for Scott joint use. I don't know if you're familiar with that concept or not, but we have Scott Air Force Base in our area, and the military and private sector got together and decided to expand Scott Air Force Base by putting in another runway. And so it does have a joint use purpose, with the military and civilian purposes. Our intent,

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obviously, is to have that become, hopefully, an economic benefit to our region, as airports oftentimes do, but we are having problems - there's no doubt about it, I'll admit that - in attracting an airline or a commuter or someone to the airport to -- to utilize the -- the facility. Now, that's not -- this legislation impacts our ability in hopes of bringing peripheral economic benefit to the area, and that's what the enterprise zone is all about.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Emil Jones.

SENATOR E. JONES:

Yeah. You explained that, but you didn't answer my question. On national news, they spoke about this airport, of all the public dollars that have been used -- federal dollars, to build an airport, and I forgot the location, and it had been just sitting there, brand-new, collecting dust and -- for two or three years. Is this the airport that was on that?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

I didn't see the news show, but it was on -- Tom Brokaw had a feature on it, on Channel 5, out of St. Louis. I did see that. Wasn't very complimentary. But that's probably the airport you're referring to, Senator.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. Will sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR HAWKINSON:

Senator, I guess I'm doing this 'cause you're part of our

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leadership. I'm going to support your bill, but there was an effort while we were dealing with Senate bills earlier, that we all stuck together on and we decided not to extend any of our enterprise zones. Now, I happen to have an enterprise zone that the entire business community and local governments feel is working very well. That's not getting extended by this bill. I see there are a couple of 'em in there. Is -- are we going to revisit that issue in Senator Obama's bill and allow these successful enterprise zones to be extended, just like we're creating yours, which -- and we're extending another one in this bill? Are we going to revisit that issue and allow those enterprise zones to be extended, or do we all have to come in one by one with individual bills?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Well, we did reject Senator Obama's effort, and I understand there's -- it's been amended in the House. It's coming back to us. But that was just a carte blanche extension for all enterprise zones. This one that's specific to Senator Sieben's area is very tightly drafted. It's not just extending the enterprise zone for enterprise zone purposes. It is very specific, and maybe Senator Sieben would like to speak to that. But I don't necessarily -- and the other language is creating a new enterprise zone. So it's not actually extending one.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

I support Senator Sieben's effort, but I would hope we'd support the one in Galesburg and some other ones that we have. The -- is the answer, then, that we're going to have to come in with individual bills to get this done?

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

I think the attitude has been that we will not extend enterprise zones just for the purpose of extending 'em. Now, in this particular case, it's -- it's specific to the particular industry that is having some problems in that region, and that's why it's so tight as it is. But I think the attitude is, yes, we're not really in the business of wanting to extend enterprise zones at this point in time.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator...

SENATOR WATSON:

Without a specific purpose, such as Senator Sieben's.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

So we're going to have to come in with individual bills for each of our communities. Is that -- that's your answer.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Well, you can certainly introduce a -- a bill and if -- and I would be glad to support it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Madam President. I, too, rise in support of this bill. As Senator Watson said, this air force base has a major impact on the Metro-East area, and this airport was -- was developed and brought about not only to be a viable airport, but also to maintain the existence of Scott joint -- of Scott Air

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Force Base. And -- and the fact that there is joint use, and -- and there will be an airport there -- I mean, airlines there one day, then we need to allow this area to develop economically, and we need to "incentivize" that area so that we can continue to grow in the Metro-East and not be so much dependent on other parts of the State. So this is a good idea and this is beneficial for the area. So I rise in support of it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Obama.

SENATOR OBAMA:

This is just a follow-up on the questioning of Senator Hawkinson. I know it's getting late and so I don't want to belabor an issue, but, you know, I had introduced a bill dealing with the extension of enterprise zones. The point was made on that side that we need to review these carefully. And I believe that the sponsor today indicated that this one is extremely tightly drafted and the notion presumably is that the legislation that I had would allow enterprise zones that were not so tightly drafted to be extended. Now, my question, I guess, would be: What exactly do you mean by -- when you say that this one is tightly drafted? And -- and the reason I ask this -- you know, I'm not trying to be flip. I think that one of the things that we're going to need, in the City and in other areas throughout the State that have these enterprise zones, is some indication from Senate leadership as to what constitutes a tightly drafted enterprise zone. I'd be interested in what kinds of evaluations of success have already been performed to ensure that enterprise zones, whether in my district or Senator Hawkinson's districts or

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Senator Dudycz's district or other districts around the State, are going to be able to benefit from the same extension that this one is. So, anybody have a -- a response for that?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Sieben was the sponsor of the amendment. Senator Sieben will respond.

SENATOR SIEBEN:

Thank you -- thank you, Madam President. To respond specifically to the -- the inclusion in this legislation of -- of the amendment that I put on yesterday for the Whiteside County Enterprise Zone, I went to our leadership and explained the situation that's happening at the Northwest -- Northwestern Steel and Wire Mill in Sterling, Illinois. It's been there for decades, employees currently sixteen hundred, two thousand people. They're competing around the world to be a viable steel mill. Just an example of the contribution they make to the Illinois economy, their annual electric bill to Commonwealth Edison is forty million dollars a year. That's just what they pay for electricity to run the electric blast mills. So I made a case. They're in the process of -- of wanting to invest a hundred and twenty million dollars in a new roller mill, and in order to secure that financing, they need the benefits that an economic -- that an enterprise zone provide in that zone. And it's critical to the financing package, and they need a decision in the next month or so for that decision. So, this extension says, "respect to industrial purposes and uses". You wanted an example how we might tightly draft the extension of an enterprise zone. It does not extend the enterprise zone for all purposes of an enterprise zone in that area. It extends it solely with respect to industrial purposes and uses.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Obama.

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SENATOR OBAMA:

Thank you. The -- I want to make sure that, Senator Sieben, you understand, I -- I do not personally oppose this. I will -- I will vote to support this bill. But I guess, let's say -- and I don't mean to put you on the spot, but the language that you just read to me indicates that this extension of the enterprise zone is specifically targeted to a particular company in a particular area. And I -- I don't know whether that's the precedent that we're trying to set with respect to our enterprise zones. The original concept of the enterprise zone was we create a zone precisely because there's no business in these areas, and the notion is, is that as a consequence of creating the zone, we can then market and package the zone to attract businesses into areas that are underdeveloped. All right? Now, if what we're saying is, is that a tightly drafted enterprise zone is one in which you've already got a company that's either already there or willing to come in but simply needs a tax break, then we're not really promoting the original intention of the enterprise zone. This is a economic development strategy that we could be doing through DCCA and the Governor's development -- Senator Watson introduced the Governor's economic development package precisely to respond to the kinds of issues that are being raised by Senator Sieben. So I -- my point is simply this: That -- that if what we're concerned about is economic development in underutilized areas, then it's difficult for us to anticipate the businesses that are going to be coming in because we're going to be trying to get businesses into these areas. And I would urge, I guess, the leadership on that side to think about whether there's a way that we could amend my bill or the bill that was coming over from the House to maybe include some evaluation issues that Senator Radogno had raised or some other safeguards, but not to try to take a business-by-business approach to the extension of the enterprise

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zones. If we do that, my suspicion is, number one, it's going to be highly subject to politics in whose district these enterprise zones are in; and, number two, it's not going to conform to the original intent of the bill. Thank you very much, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR WATSON:

Well, thank you very much. And I -- believe me, I support the enterprise zone concept. I -- it's been a major economic benefit to the communities in my area who have them, and I don't -- and I won't be a part of inhibiting those communities who want to extend enterprise zones. I think the problem with Senator Obama's bill was simply that it was just all enterprise zones in one particular area, and it wasn't necessarily thought out that well. So I'm -- and I'm not about to walk away, necessarily, either from the problems of Mid-America Airport. And I think that this legislation is an attempt to obviously try to help those people help themselves. And I would appreciate the support of the Body.

PRESIDING OFFICER: (SENATOR DONAHUE)

Question is, shall House Bill 2320 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, 2 Nays, none voting Present. House Bill 2320, having received the required constitutional majority, is declared passed. Senator Maitland, on House Bill 2355. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2355.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)



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Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President and Members of the Senate. House Bill 2355 represents some -- some pretty serious negotiation over the past few months with IDOT and the Professional Towing and Recovery Operators of Illinois. Currently, these large tow trucks who -- these large tow trucks who pick up disabled vehicles on the interstate highway system in Illinois are, frankly, right now, subject to the same rules and regulations with respect to weight restrictions, and you simply can't take a large truck off the highway, a disabled truck off the highway without being overloaded under current statute with respect to axle weights. This bill would -- would suggest that no rear axle of a tow truck exceed twenty-six thousand pounds and no rear tandem axle of the tow truck would exceed fifty thousand pounds. During the tow operation, the tow truck does not violate any weight restriction sign. In other words, if there is a bridge that is posted for safety reasons for a weight, they cannot exceed that. It -- they would be required, Madam President, to -- to buy a permit. That permit is five hundred dollars quarterly or two thousand dollars annually. And this has been worked out by, as I said, IDOT and others. I know of no opposition. Would appreciate your support.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Seeing none, the question is, shall House Bill 2355 pass. Those in favor will vote Aye. Opposed, Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 2355, having received the required constitutional majority, is declared passed. Senator Dillard, on House Bill 2648. Senator Robert Madigan, on House Bill 2713. Read the bill,

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Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2713.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Robert Madigan.

SENATOR R. MADIGAN:

Thank you, Mr. President and Members of the Senate. House Bill 2713, as amended, represents agreed language between payors and providers insofar as the issue of prompt payment of medical bills. I don't want to belabor the point with the -- with the Body. It's an extensive bill covering procedures and a framework for establishing prompt payment of clean claims, or legitimate bills. I'd be glad to answer any questions on it. Again, it is agreed language between the Medical Society -- or the providers and the payors. I think also, at the end, Mr. President, we need to establish some legislative intent, too, if we're ready to do that.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Peterson.

SENATOR PETERSON:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. Senator Madigan, for purposes of legislative intent, I have a few questions I'd like to present to you. The first question: As I understand this bill, if an insurer asks a provider for more information and it is provided but there are more questions raised which require more information, then due proof of loss has not been provided, is that correct?

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR R. MADIGAN:

Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Peterson.

SENATOR PETERSON:

In other words, due proof of loss means the company has received the equivalent of a clean claim, a clean claim being one that can be paid without any more investigation or any more information?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR R. MADIGAN:

Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Peterson.

SENATOR PETERSON:

And, lastly, this bill requires insurers to notify their insureds of -- or the insureds' assignees of any failure to provide the sufficient documentation within thirty days of receiving a claim. What happens if an insurer complies with the notice requirement, asks for additional information from a provider and the information supplied by the provider gives the insurer new but incomplete information about the insured's condition that requires a new request for additional information more than thirty days after the claim is filed? Would the insurer be in violation of the thirty-day requirement?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR R. MADIGAN:

No. The thirty-day notification requirement only applies to

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additional information that the insurer reasonably knows it will need at the time the claim is received. It does not preclude an insurer from gathering additional information if the claim investigation identified new information that the insurer was not aware of when it received the initial claim.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? If not, the question is, shall House Bill 2713 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 57 Ayes, no Nays, no Members voting Present. House Bill 2713, having received the required constitutional majority, is declared passed. House Bill 2758. Senator Donahue. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2758.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Mr. President. This is a good bill. It asks the Department of Public Health to conduct a study to determine how to attract and retain nurse assistants to work in Illinois long-term care facilities. Based on the study the Department of Public Health will do -- is -- will be doing, we hope to have an implementation of their proposals and, of course, subject to appropriation. I would ask for your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Burzynski.

SENATOR BURZYNSKI:

...of the sponsor, please.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates she will yield, Senator.

SENATOR BURZYNSKI:

I was curious. Is -- is this the correct bill title?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue.

SENATOR DONAHUE:

Ha! No. Out of the record.

PRESIDING OFFICER: (SENATOR MAITLAND)

House Bill 2758, out of the record. Out of the record. House Bill -- House Bill 2770. Senator Emil Jones. Senator Emil Jones. Out of the record. House Bill 2771. Senator Rauschenberger. Out of the record. Top of page 10 is House Bill 2790. Senator Donahue. ...bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2790.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Mr. President. Can I say ditto? No. This House Bill 2790 -- and I make my apologies to the -- the -- or, to the Chamber. I apologize. This directs the Department of Public Health to conduct a study to determine how to attract and retain nurse assistants to work in the Illinois long-term care facilities. Once they get this study, we hope to implement a nurse incentive -- nurse assistant incentive program. And I would ask for your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? If not, the question is, shall House Bill 2790 pass. Those in favor will vote Aye. Opposed, Nay. 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, Madam Secretary. On that question, there are 56 Ayes, no Nays, no Members voting Present. House Bill 2790, having received the required constitutional majority, is declared passed. House Bill 2793. Out of the record. House Bill 2794. Out of the record. House Bill 2855. Senator Donahue. Out of the record. Ladies and Gentlemen, we're going to start through the Calendar one more time. One last time. This is the last time. There are a number -- there are a number of recalls on House Bills 3rd Reading. House Bills -- House Bills 3rd Reading, middle of page 5, is House Bill 161. Senator Madigan. On page 5 is House Bill 279. Senator Tom Walsh. Out of the record. House Bill 462. Senator O'Malley. Senator O'Malley. He's on the phone. I'm sorry. Senator Mahar. I beg your pardon. Senator Mahar, you wish this bill returned to the Order of 2nd Reading for the purpose of -- amendment? Senator Mahar seeks leave of the Body to turn -- return House Bill 452 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. And on the Order of 2nd Reading is House Bill 452. Madam Secretary, are there any Floor amendments approved?

ACTING SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senator Luechtefeld.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. -- thank you, Mr. President and Members of the Senate. Floor Amendment 3 to House Bill 452 simply is a conveyance of a property in Union County from the Department of Public Health to -- or, Human Services, actually, to Union County.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Luechtefeld has moved the

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adoption of Floor Amendment 3 to House Bill 452. Is there discussion? Senator Burzynski. Is there discussion? If not, the -- Senator Luechtefeld has moved the adoption of Floor Amendment No. 3 to House Bill 452. Those in favor, say Aye. Opposed, Nay. And the -- and the -- and the amendment is approved. Is there -- are there any further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. On the Order of House Bills 3rd Reading is House Bill 452. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 452.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. This bill is now fully loaded. Before you consider voting No, you better look at the bill 'cause you've probably got something in it. This contains various conveyances, quick-takes and a retrocession from all over the State. Be happy to answer any questions or defer to any Member whose provision is in the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. I think I heard the sponsor indicate there are quick-take provisions in here for all over the State. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

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Bill 452 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 41 Ayes, 15 Nays, 1 voting Present. And House Bill 452, having received the required constitutional majority, is declared passed. House Bill 462. Senator O'Malley. Bottom of page 6, House Bill 737. Senator Emil Jones. Senator Jones. Senate Bill -- House Bill 799. Senator Burzynski. ...Bill 809. Senator Maitland. ...Bill 1113. Senator Robert Madigan. House Bill 1175. Senator Luechtefeld. House Bill -- House Bill 1317. Senator Berman. Senator Berman. House Bill 1383. Senator Maitland, do you wish this bill returned to 2nd Reading for the purpose of an amendment? Senator Maitland seeks leave of the Body to return House Bill 1383 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 -- 1383. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, Members of the Senate. This is a substantive amendment, and I would like to put this amendment on and then debate the issue on 3rd Reading, if I might. The 2nd Reading will be -- the second amendment will be a technical amendment.

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. Any further Floor amendments approved?



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ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

It -- it is a -- technical amendment.

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. Any further Floor amendments?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of 3rd Reading is House Bill 1383. Madam President {sic}, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1383.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. House Bill -- House Bill 1383, as -- as amended, represents, once again, just an -- an awful lot of work over a number of years by a lot of people, including our staff, and let me tell you briefly what it does and -- and then -- then we'll debate the issue. First of all, it creates an advisory board appointed by the Governor to determine a monthly surcharge not to exceed seventy-five cents per customer. One-third of the surcharge is remitted to the Wireless Carrier Reimbursement Fund for the wireless industry to recover its cost and expenses for

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implementing the wireless 9-1-1 service as required by the FCC. This is the locator service that will be available and mandated by law. The remaining two-thirds goes to the -- also into the Fund, into the 9-1-1 systems in your various areas around the State. Both funds, and this was some of the controversy before, will be administered by the Department of Central Management Services and are subject, of course, to appropriation. Number two, it establishes the Illinois State Police as a default provider for -- wireless 9-1-1 for jurisdictions where there is no public safety answering point. The City of Chicago is exempt. They -- they will continue to collect their fee of a dollar twenty-five. It establishes a limitation of liability for all entities engaged in the provision of wireless 9-1-1 service, unless the act or omission constitutes gross negligence, recklessness, or intentional misconduct. And it provides for a sunset of the Act in the year 2000. Ladies and Gentlemen, this is truly, truly a public safety issue. There are a number of 9-1-1 systems around the State where their calls from the cellular system are becoming a greater and greater portion of their total calls. They have threatened, as you know, to not take these -- these calls from cellular phones. Again, a public safety issue, and I would be happy to respond to any questions that any Member might have.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the bill requires thirty-six votes, 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 43 Ayes, 11 Nays, 1 voting Present. And House Bill 1383, having received the required three-fifths majority, is declared passed. House Bill 1392. Senator Bowles. Senator Bowles. House Bill 1409. Senator Rauschenberger. Senator Rauschenberger. ...Bill 1580. Senator Maitland. Madam Secretary, read the bill.

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ACTING SECRETARY HAWKER:

House Bill 1580.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President. This is a -- a shell bill, would move over to the... It is a technical shell bill for the pensions. I move -- I appreciate your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in -- in favor will vote Aye. Opposed, Nay. And the -- I beg your pardon. The question is, shall House Bill 1580 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. And House Bill 1580, having received the required constitutional majority, is declared passed. House Bill 1769. With leave of the Body, Senator DeLeo will handle the bill for Senator Silverstein. Senator -- as -- as chief cosponsor of legislation. Senator DeLeo. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1769.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeLeo.

SENATOR DeLEO:

Thank you, Mr. President, Members of the Body. Senate Amendment No. 1 to House Bill 1769 becomes the bill. As I explained yesterday in -- in -- when we adopted the amendment,

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this allows a receiver whose study finds that a property cannot be brought into compliance, to petition the court for reimbursement for cost of the study from the special fund. The fund is from Cook County. There's no State dollars involved in this. I'd ask for its -- favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, 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 1769, having received the required constitutional majority, is declared passed. WICS-TV requests permission to shoot video. Hearing no objection, leave is granted. House Bill 1773. Senator Syverson. Senator Syverson. House Bill 1841. Senator -- Senator Dillard. House Bill 2148. Senator Clayborne. House Bill 2261. Senator Klemm. House Bill 2648. Senator Dillard. ...Bill 2770. Senator Emil Jones. Senator Jones. ...Bill 2771. Senator Rauschenberger. House Bill 2855. Senator Donahue. On the Members' desks have -- has been distributed Supplemental Calendar No. 1. If you turn your attention to Supplemental Calendar No. 1 to the attention of Consideration Postponed, House Bill 1825. ...Secretary, read the bill.

SECRETARY HARRY:

House Bill 1825.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Yes, thank you very much, Mr. President. And I appreciate the opportunity to have this bill heard a second time today. This is

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the legislation dealing with the -- the snake issue, and one thing that it doesn't do, it doesn't -- it does not eliminate any -- any endangered species off of the State Endangered Species List. And I think that was an interpretation that one of the speakers made in the previous debate, and that is not what it -- this does. This does set up an -- an effort by which the Department of Natural Resources can hopefully create some flexibility in working with a plan that would come forth from the units of local government, from the Department of Transportation, a mediation-type plan, and not inhibit or not do away or not wipe out an endangered species. And that's not the intent of what we're trying to do, but we are trying to create some economic development in our local area and local communities of which, in some of our areas, is -- this has been a big problem. So I would appreciate the vote, or at least certainly answer any additional questions that there might be.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Patrick Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator Watson, you stated earlier in debate that the Environmental Council had an amendment that was proposed, and I believe you said it was put on the bill. Was that your statement?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

That's correct. It was put on the bill in the House, and that -- that neutralized them at that point in time. We gave them consideration and now they've come back and I guess they've got

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some additional language they'd like to have considered, but that just got brought to me when I walked out on the Floor from -- from our caucus. So I haven't had a chance to really look at it to see whether we can accept it or not.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Well, my understanding was the -- the language was given to Senator Cronin. It wasn't able to be drafted, or it wasn't drafted into an amendment. Is it your intention to -- well, why don't we put this in a -- a conference committee and see if we can work out that language, since it's your intention not to do anything to harm the environment and there is some question as to whether -- while the bill specifically does not make these three species obsolete, it does allow a commission to decide how many species can be removed or replaced, after a hearing. So it puts a step in between the process of rendering these species extinct. So would that -- you be willing to do that, to put it in a conference committee to look at that amendment and see if that's feasible?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

As I've told others, I'm willing to look at the amendment and the language that's -- that they've given us, but we just got it. It's not even been drafted. So we don't even know what's in it, at this point, as to whether or not we would be willing to accept it. And that's -- that's the dilemma that I have. I haven't talked to the House sponsor, so I can't make a commitment for him.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

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...sponsor is right behind you. I can see him from here. So I don't know if he would. But, you know, we're going to get to the point where you're going to end up -- all we're going to end up with is with three of Senator Noland's medallions about these species, and that's going to be the end of it. So I would urge a -- a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson, to close.

SENATOR WATSON:

Well, actually Senator Granberg, or pardon me, Representative Granberg is not the House sponsor, so he can't be one to make any kind of a commitment. I believe that this has been -- most people know what we're doing now. I don't know that they do -- or, they did previously. I think the fact that we're just trying to create a situation by which we can move forward on some economic development -- projects in our area, and it could be yours next time, and I'd appreciate, obviously, the vote of the Senate.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 1825 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 36 Ayes, 17 Nays, none voting Present. And House Bill 1825, having received the required constitutional majority, is declared passed. Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

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

Senate Bill 1, with House Amendment No. 1.

We have like Messages on Senate Bill 27, with House Amendments

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1, 2, 3 and 5; Senate Bills 150, 391 and 544, with Amendments 1; 561, with Amendment 1 and 2; 1088, with Amendment 1; 1032, with Amendments 1, 2, 4, 6 and 7; 37, with Amendments 1 and 2; 163 and 235, with Amendments 1; 392, with Amendments 1, 2 and 4; 537, 818 and 965, with Amendments 1; 1009, with Amendments 1 and 3; 1010, with Amendment 2; 1014, 1018, 1028, 1114 and 1203, with Amendments No. 1.

All passed the House, as amended, May 14th, 1999.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Resolutions Consent Calendar. We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all of those read in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY HARRY:

No objections have been filed, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

Message from the President, dated May 14th, 1999.

Dear Mr. Secretary - Pursuant to the provisions of Senate Rule 2-10(e), I hereby extend the deadlines for action on the following category of bills, with specific bills enumerated under this category, to May 21, 1999:

State Finance, specifically: House Bills 373, 1532, 1534, 2519 and 2794;

Economic Development, specifically: House Bill 1409;

And Transportation, specifically: House Bill 809.

Signed by President Philip.



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Is there any further business to come before the Senate? If not, Senator Noland moves that the Senate stands adjourned until the hour of 4 o'clock, Monday, May 17th.

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