

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

PRESIDENT PHILIP:

The regular Session of the 89th General Assembly will please come to order. Will the Members please be at their desks, and will our guests in the galleries please rise. Our prayer today will be given by Pastor Loren Rasbury, Sunnyside Road Church of Christ, Decatur, Illinois. Pastor Rasbury.

PASTOR LOREN RASBURY:

(Prayer by Pastor Loren Rasbury)

PRESIDENT PHILIP:

Will you all please rise for the Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Monday, May 15th; Tuesday, May 16th; Wednesday, May 17th; and Thursday, May 18th, in the year 1995, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Butler moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objections, so ordered. ...(microphone cutoff)...Reports.

SECRETARY HARRY:

Senator Fawell, Chair of the Committee on Transportation, reports Senate Bills -- or, Senate Bill 395 - the motion to concur with House Amendments 1 and 2 Be Adopted.

Senator Peterson, Chair of the Committee on Revenue, reports Senate Bill 370 - the motion to concur with House Amendment 1 Be Adopted; Senate Amendment 13 to House Bill 1212 Be Adopted.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Senator Barkhausen, Chair of the Committee on Financial Institutions, reports Senate Amendments 7, 8, 9 and 10 to House Bill 377 Be Adopted.

Senator Mahar, Chair of the Committee on Environment and Energy, reports Senate Bill 327 - the motion to concur with House Amendment 1 Be Adopted; and Senate Amendment 2 to House Bill 929 Be Adopted.

Senator Raica, Chair of the Committee on Public Health and Welfare, reports Senate Bill 86 - the motion to concur with House Amendment 1 Be Adopted, Senate Bill 176 - the motion to concur with House Amendment 1 Be Adopted, Senate Bill 1095 - motion to concur with House Amendments 1 and 2 Be Adopted; and Senate Amendment 3 to House Bill 2330 Be Adopted.

Senator Butler, Chair of the Committee on Commerce and Industry, reports Senate Amendment 1 to House Bill 1470 Be Adopted.

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Bill 866 - the motion to concur with House Amendment 1 Be Adopted, Senate Bill 1140 - motion to concur with House Amendments 1 and 2 Be Adopted; Senate Amendment 1 to House Bill 1069 Be Adopted, Amendments 3 and 4 to House Bill 1268 Be Adopted, Amendment 2 to House Bill 1437 Be Adopted, and Amendment 2 to House Bill 1792 Be Adopted.

Senator Klemm, Chair of the Committee on Local Government and Elections, reports Senate Amendment 1 to House Bill 150 Be Adopted, Amendment 2 to House Bill 505 Be Tabled <sic> (Adopted), Amendment 5 to House Bill 974 Be Tabled, Amendment 6 to House Bill 974 Be Adopted, Amendment 2 to House Bill 1108 Be Adopted; and Senate Bill 774 - the motion to concur with House Amendment 1 Be Adopted.

And Senator Madigan, Chair of the Committee on Insurance, Pensions and Licensed Activities, reports Senate Amendment 2 to

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

House Bill 32 Be Adopted, and Amendments 5 and 6 to House Bill 2108 Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

On page 11, we will go to the Order of House Bills 2nd Reading. Remind the Membership that if you want to move these bills, this is the time to do it. Senator Butler, on House Bill 32? Out of the record. Senator Lauzen, on 238? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 238.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Maitland, on 820? Out of the record. Senator O'Malley, on 865? Senator Woodyard, on 965? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 965.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Are there amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Mahar, on 1089? Out of the record. Senator Raica, on 1108? Out of the record. Senator Woodyard, on 1202? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1202.

(Secretary reads title of bill)

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

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Butler, on 1270? Out of the record.
Senator Petka, on 1437? Out of the record. Senator Dillard, on
1608? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1608.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Dillard, on 1853? Read the bill, Mr.
Secretary.

SECRETARY HARRY:

House Bill 1853.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Madigan, on 2108? Out of the record.
Senator DeAngelis, on 2251? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2251.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose does Senator DeAngelis arise?

SENATOR DeANGELIS:

Take it out of the record.

PRESIDING OFFICER: (SENATOR WEAVER)

Out of the record. Senator Maitland has an introduction to
present.

SENATOR MAITLAND:

Thank you very much. Mr. President and Members of the Senate,
I am pleased and proud today to be able to present to you

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Illinois' Mother of the Year. Her name is Ruth Poole, from Melvin, Illinois. She is here in Springfield with us today with her husband, John. They've been married fifty-two years. They are the parents of four children and eleven grandchildren. She's been a member of the Melvin Women's Club for over fifty years, and I'm delighted to be able to present Illinois' Mother of the Year, Ruth Poole, to you today. And before I introduce her to you, I would like to introduce in the gallery on the President's -- on the left side of the Chamber, on the President's side, a number of former Illinois Mothers of the Year and I believe one or two Merit Mothers of the Year. I'd like them to stand and be recognized if they would, please. Welcome to Springfield, by the Senate. And now I would like -- I would like very much, Members of the Chamber, to introduce to you Ruth Poole from Melvin, Illinois - Illinois' 1995 Illinois Mother of the Year. Mrs. Poole.

MRS. RUTH POOLE:

(Mother of the Year, Ruth Poole, addresses the Senate)

SENATOR MAITLAND:

Mrs. Poole and John Poole, we are delighted to have both of you in Springfield. I wish you well and Godspeed. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar, did you wish to move 1294 <sic> (2294)? Senator Butler, on 1270? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1270.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Butler.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler.

SENATOR BUTLER:

Thank you very much, Mr. President. Senate Amendment No. 1 stipulates that, subject to appropriation, DASA may establish a compulsive gambling program by contracting -- contracting with either a private or a public entity. And secondly, it deletes provisions amending the Act which required riverboat owners to put stickers with assistant messages at a visible location at each game -- gaming machine. This was shown to be very unwieldy, and we have taken that provision out. I would ask approval, please.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler moves the adoption of Floor Amendment No. 1. Is there discussion? If not, the question is, shall the amendment be adopted. All in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. The amendment's adopted. Are there any further amendments?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. We will now proceed to -- excuse me. Committee Reports, Mr. Secretary.

SECRETARY HARRY:

There's a Corrected Committee Report from Local Government and Elections, Mr. President. Senate Amendment 2 to House Bill 505 was incorrectly reported as being tabled. The committee sent the amendment -- Amendment No. 2 to House Bill 505 to the Floor as Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

At the top of page 5. House Bills on 3rd Reading. For what purpose does Senator DeAngelis seek recognition?

SENATOR DeANGELIS:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Mr. President, I would like leave from the Body to return Senate Bill 213 and 432 to the Rules Committee.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis asks to recommit House <sic> Bills 213 and 432 to Rules. Is there leave? Leave is granted. KWQC from the Quad City requests permission to videotape. Is there leave? Leave is granted. At the top of page 5, House Bills on 3rd Reading. Senator Fawell, on House Bill 3? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is an agreed bill. It licenses a number of people. It -- it has the Collection Agency Act in it, the Roofers' Licensing Act, and the Physical Therapy Act in it. I know of no opposition. I will be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? If not, the question is, shall House Bill 3 pass. Excuse me. The board is wrong, Madam Secretary. Thank you. Any discussion? If not, the question is, shall House Bill 3 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 3, having received the constitutional majority, is declared passed. Senator Dillard, do you wish this -- House Bill 36 recalled to 2nd for the purpose of an amendment? Senator Dillard seeks leave of the Body to return House Bill 36 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Order of 2nd Reading is House Bill 36. Mr. Secretary -- Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dillard, to explain the amendment.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen. This amendment adds a cleaned-up version of House Bill 115 to allow law enforcement agencies that have a reciprocal agreement with a school in their jurisdiction, as already authorized by the School Code, to provide this school with arrest information on minors from the school, and that arrest information is limited to forcible felonies, controlled substance violations, cannabis violations and unlawful use of weapons. It's a request of schools and law enforcement agencies, and I know of no opposition.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, all in favor of the amendment, signify by saying Aye. Opposed, Nay. The Ayes have it. The amendment's adopted. Are there further amendments, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Mahar, on House Bill 41? Out of the record. Senator Karpriel, on House... Out of the record. Senator Klemm, on House Bill 150? Read the bill, Madam Secretary. Excuse me. Senator Klemm, do you wish House Bill 150 returned to the Order of 2nd Reading for an amendment? Senator Klemm seeks leave of the Body to return the bill. Is there -- leave is granted. Madam Secretary, would you read the amendment?

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Peterson.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Klemm, to explain the amendment.

SENATOR KLEMM:

Actually, it's Senator Peterson on the amendment, and I think -- with leave of the Senate, let Senator Peterson describe his amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. Amendment 1 would prohibit municipalities in Lake County, now DuPage only, from annexing noncontiguous territory separated therefrom only by a forest preserve district. In all other counties of the State such leapfrogging is permitted. This is an initiative of the Lake County Board, and I ask for a favorable roll call on Amendment 1.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, all in favor, signify by saying Aye. Opposed, Nay. Excuse me. Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield, Senator.

SENATOR GEO-KARIS:

Would you please explain exactly what your amendment does to -- as regards to the municipalities involved?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Peterson.

SENATOR PETERSON:

Yes. The Lake County Board -- this is one of their initiatives. In DuPage, if you have a municipality and it's

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

separated by land on another side of a forest preserve, you are prohibited from jumping the forest preserve to annex that property, and the Lake County Board would like to have that same authority, as DuPage currently has.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, much as I regret that I have to do this, but I oppose this amendment. They're getting along fine as it is, and there's no reason why we have to change it now.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, Senator Peterson moves the adoption of Amendment No. 1 to House Bill 150. All in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. The amendment's adopted. Are there further amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER (SENATOR WEAVER)

3rd Reading. Senator Lauzen, on 182? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 182.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen. Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. House Bill 182 amends the Private Employment Agency Act. It exempts from the scope of the Act consultants and recruiters compensated solely by employers in

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

identifying, appraising or recommending individuals for employment. This amendment will not exempt applicant-paid firms from regulation or licensure by the Department of Labor. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR PALMER:

Senator Lauzen, I have in my hand a letter from Women Employed expressing strong opposition to this bill. And what they are saying and objecting to -- and if you would answer, I'd appreciate. They're saying that the Private Employment <sic> Act was created in direct response to unscrupulous employment agencies that ran bait-and-switch ads particularly targeted at women. I'm asking you, why are we changing this when the law was put into place particularly to protect women seeking employment? And particularly, now that there are so many temporary jobs, it seems to me that this puts women in particular jeopardy and particularly would be subject to low-wage, dead-end jobs.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

SENATOR LAUZEN:

We had -- in committee, we had the opportunity to go through testimony from different individuals, whether -- I believe that one of the groups that was opposed to the bill was NOW, and then the organization that you're referring to. All we're doing in this bill is saying that firms -- employment agency fees that are paid for by businesses - business-to-business transactions - are not regulated by the Department of Labor. However, applicant-paid

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

- whether the person is a male or female - applicant-paid employment agency fees would still be regulated by the Department of Labor. So the only distinction in this bill is between employer-paid employment fees and applicant-paid: the former not regulated, the latter still regulated.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. And with all due respect, Senator Lauzen, I'm afraid I really don't see the difference. Either employees should be protected or they're not protected. Another point that Women Employed makes in the letter is that allowing consultants and recruiters and, for that matter, businesses to be exempt from regulation would allow them the unfettered freedom to take advantage and to exploit. Not that we expect this, but that is one of the reasons that we put into place regulations, so that we have some means of overseeing this. And with the employment market as volatile as it is, I would think that we'd want to keep this in place.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Garcia.

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR GARCIA:

Senator Lauzen, I believe that you introduced a similar or identical bill in the committee - Commerce and Industry - a Senate bill. Is this bill identical to that bill, which I believe passed the Senate 56 to 1, or something?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

SENATOR LAUZEN:

Yes, Senator, it is. The actual vote was 53, 0 and 4.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR LAUZEN:

I would just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall House Bill 182 pass. Those in favor will -- will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 38, the Nays are 15, 2 voting Present. House Bill 182, having received the constitutional majority, is declared passed. Senator Cronin? Senator O'Malley? Senator Fitzgerald, on 241? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 241.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 241 creates the Scientific Job Training Evaluation Act. Requires the Department of Public Aid to conduct a controlled, scientific, random evaluation of the effectiveness of its job training and education programs. We worked out an agreed amendment with the Department of Public Aid that took care of some of their concerns, and the Department no longer opposes the bill. I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Palmer.

SENATOR PALMER:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR PALMER:

Just for clarification, what do we mean by a scientific study of recipients?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fitzgerald.

SENATOR FITZGERALD:

What -- what we mean is that the Department would -- would have two groups. One would be a control group and -- and one would be an experimental group. The experimental group would get the job training or the education benefits of that particular program, and a separate group would not get -- get the benefit of that program, so that we could compare how that one group did against the other group. The -- the Department now does some testing, but they have no control groups, and that would be akin to testing the effectiveness of a drug without having a control group that takes not the drug, but a placebo.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

Thank you again. Now, what happens to the control group, the one that has no job? And secondly - excuse me - secondly, are we going to do this with corporations to make sure that they are effective in their employment of such persons?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fitzgerald.

SENATOR FITZGERALD:

Well, one of the -- you know, some of the objections that the Department originally had was, as the bill was originally written, it would have required everybody to either go into a control group

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

or the experimental group. This has since been amended so that they only need to -- to do the test with a statistically significant population. And as I understand it, the Department intends to take about a thousand people who will go through one particular job training program. Not everybody who is a recipient of aid is in every job training program, and they will compare that -- the results that were obtained by that job training program or education program against the results of another statistically significant group that did not go through that particular program but may have had some other - they're still receiving some assistance.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

Thank you. Just one last question. Are there any other proponents of this, except the Eagle Forum?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator -- Senator Fitzgerald.

SENATOR FITZGERALD:

I wasn't aware that the Eagle Forum was a proponent of the bill, but we're happy to take support from the Eagle Forum and others. The -- tests like this are done in at least fifteen other states, and this is a recommendation, I believe, that originated with the Heritage Institute in Washington, D.C., which is a think tank. And this is something that they recommended that would give Illinois the ability to know whether its job training programs are effective. We spend hundreds of millions of dollars every year on these programs, and we really have no idea whether the programs are effective or not. And I think that we have been penny-wise and pound-foolish in that regard. We spend a lot of this money, but we -- we don't have much of an attempt to monitor the effectiveness of this program. And this could help us find out

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

which programs are good and which aren't good, and let's beef up the good programs and discard the bad.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Garcia.

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield, Senator.

SENATOR GARCIA:

Senator Fitzgerald, in committee when the bill was heard, prior to your amendment or amendments that you've tagged onto the bill, there was a price tag placed on this bill of approximately four million dollars, according to the Department of Public Aid. With the amendment, what is the new price tag? Because we tried to file a fiscal note but were told that it was too late, and I'm wondering what the cost is going to be.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fitzgerald.

SENATOR FITZGERALD:

In my talking and the Representative Pedersen's talking to the Heritage Institute and others, there are outside contractors who do testing, such as that required in this bill, for approximately a million dollars. And that's what we believe that it would cost. And the -- the Department of Public Aid, I think, did say that they thought it would cost somewhere in the neighborhood of five hundred thousand to two million, was my recollection.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Garcia.

SENATOR GARCIA:

And how many individuals do you anticipate will be evaluated by this contractor or contractors through this million-dollar deal?

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fitzgerald.

SENATOR FITZGERALD:

Well, one of the objections, as I said, that the Department originally had was they thought that the bill as originally written could require everybody to be tested, and we amended that to say a statistically significant population, which I have discussed with the Department and they agree would be about a thousand recipients of aid.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Garcia.

SENATOR GARCIA:

To the bill: I rise in opposition to the bill, because I think that during this Session we have embarked on some very significant and somewhat radical welfare reform experiments. That came in the form of Senate Bill 10, which I think we ought to give an opportunity to tell us whether or not Illinois is moving in the right direction. I think that this bill is unnecessary because it will cost us -- it can cost us at least a million dollars. I don't think that's what Members of the Senate want to embark on, and that's why I would urge a No vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. You know, I had a -- an experience with a group of -- of unemployed people that came to me, and they said that they had been trained to work in a hotel industry, to learn how to clean the rooms and make the beds and do all these other things. And...

PRESIDING OFFICER: (SENATOR WEAVER)

Excuse me, Senator Fawell. Will the staff please take their conferences off the Floor, please. Senator Fawell.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

SENATOR FAWELL:

And apparently what happened was we paid the hotel to train these people for X number of hours and then, as soon as that grant was over, what happened was they were all fired. And the hotel industry then turned around and said: Well now -- now give us the next group of people. We'll bring those in. We'll only pay them half price, because the State's going to pick up the rest of the money. And then I guess they're going to fire those people. Some of these businesses and some of these -- training people, frankly, I think, have kind of got a scam going. If they're not going to employ the people after we have paid for the training, then why in the world are we training them? Maybe we ought to find out what some of these programs are and find out if, indeed, there is a scam going on. I don't think this is a -- a bad idea. Maybe a thousand might be a lot of people, but it seems to me that we ought to find out before we start putting our -- all this money into all these programs, that afterwards these people have got a job, that they've got some way to make a living. That's the whole point of it. It seems to me right now what we're doing is we're training a lot of people, paying businesses to train them, and if the businesses aren't going to hang onto them, we ought to cut the training out.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins.

SENATOR COLLINS:

Thank you, Madam President and Members of the Senate. First let me -- on a point of personal -- Mr. President, I'm sorry. Congratulate Senator Philip. I wholeheartedly support his getting out on time. As a matter of fact, I think it's time for us to go today, because usually this time of year we get kind of silly around here, and this is one of those silly bills. I mean, this bill is absolutely silly. The only way to make a determination as

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

to whether or not a training program or educational program is doing what it say it's doing is whether or not people get jobs and move off of the welfare roll. That's very, very simple. You don't need any scientific study to do it, and I want to commend -- Public Aid, DPA, for being in opposition to this bill. This is ridiculous. This is absolutely a waste of time and State payers -- taxpayers' dollars for us to talk about you're going to have some control groups and scientific groups to -- to determine whether or not a training program is effective or not effective. The proof is in the pudding. If the people get jobs and stay on those jobs and get off of public aid, you know that the program was successful. If they don't, they don't. You know also that you cannot put someone with -- without a high school diploma or a GED in a program that is highly technical, because they can't read, probably. So, you know that too. This is crazy, and I just say that we ought to vote this bill down.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Sometimes I wonder about some of the bills that -- that come before this Body. And sometimes we complain that some legislation is really an attempt to micromanage agencies, and I think this is another example of that. First of all, let me say that this bill is not necessary. It's not necessary because in Public Act 88-412, we asked for a -- an evaluation of job training programs. That evaluation was supposed to be completed by January of 1997. With this bill, we repeal the request for that evaluation, and at the same time that we repeal that, we're also left wondering whether the federal government is going to allow us to do what this bill requires, because a waiver may be necessary. A waiver application may be necessary. So while we're left wondering, we're going to wonder whether or not

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

the job training programs are working. And I agree that we should evaluate these programs and ensure productivity, but we may leave this whole business up in the air as a result of passing this bill that repeals the evaluation that was mandated last year. That doesn't make any sense. Why don't we just allow that to take place and jeopardize <sic> the possibility of generating, through an evaluation, some very valuable information that will allow us to make some decisions about the type -- type of changes that we need in our job training programs through Public Aid. Let's not do this. Let's let that work.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

SENATOR PETKA:

Mr. President, I move the previous question.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka, two more speakers. Senator Shaw. Senator Shaw.

SENATOR SHAW:

Yes. Will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR SHAW:

What -- Senator. Senator Fitzgerald, why -- why do we need this kind of study? And you might have answered that, but why do we need this kind of study?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fitzgerald.

SENATOR FITZGERALD:

We need this kind of study so that we can determine the effectiveness of our job programs, the same reason that drug companies, before they market a drug, need to test the efficacy of their drugs. And they need a control group that doesn't take the drug and one -- a group that does take it. That's the only way

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

they can compare it. If -- for -- for your argument to make sense that we don't need to test the effectiveness of our job training programs, you could -- if we applied that same logic to the medical profession and to the development of drugs, we would never be able to test the effectiveness of drugs, because we'd never know which medicines worked and which didn't work. And the practice of medicine would collapse.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shaw.

SENATOR SHAW:

Are we doing any type -- how much money do we spend with the Earnfare Program?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fitzgerald.

SENATOR FITZGERALD:

I don't know those numbers off the top of my head.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shaw, any further comments? Senator Welch.

SENATOR SHAW:

Yes.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shaw.

SENATOR SHAW:

The -- to the -- to the bill: I think we're spending millions of dollars with the Earnfare Program, and we've had that program over a number of years - a number of years. Before that, it was -- it was some other name. And certainly, we should -- after spending all of the taxpayers' money, we should have had something to come out of that, and this is an existing program. I happen to be one that think that the Earnfare is going fairly well. And it seems as though to me that you would get your information that you're looking for here from that -- from an existing program.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Now, unless somebody over on your side of the aisle that have somebody that they want to award a five- or ten-million-dollar contract to just to do a study, this is absolutely absurd and ridiculous to talk about during this type of program. But certainly, sometime people have friends that are in the consulting businesses and they want to award them some contracts, and this look like that type of program. Because if -- the State has all kind of statistics on whatever you need, in terms of studying people out of the Earnfare Program. And to spend this kind of money on some human beings, talking about you're going to compare humans with drugs -- studying drugs, that's -- that's absurd too. I don't believe that we should be in that business, if we are spending between twenty-five and thirty million dollars a year on the Earnfare Program, and we are telling the taxpayers of this State that it's working and it's a good program. This -- what you are doing here by maybe awarding some friend of -- of somebody a consulting contract, you're telling the taxpayers that we're just wasting money on the thirty -- twenty-five or thirty-million-dollar program that we -- conduct in the Earnfare Program. I think it's a bad bill, and I would urge for its defeat.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR WELCH:

Senator Cronin, how much money will it cost the study and how much money is being spent -- I'm sorry. Senator Fitzgerald. Yeah...

PRESIDING OFFICER: (SENATOR WEAVER)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Senator Fitzgerald.

SENATOR FITZGERALD:

About a million dollars.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

How much money are we spending on AFDC?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fitzgerald.

SENATOR FITZGERALD:

I don't know the answer to that. I've asked somebody to look into that now, but it's tens or hundreds of millions of dollars that we're spending on all the public aid programs that we don't know the effectiveness of.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fitzgerald, to close. Senator Welch, if you keep your light on, I will recognize you. Senator Welch.

SENATOR WELCH:

Well, it keeps going off by itself. That's -- that's the problem. Or maybe by somebody up there. I don't know. Anyway. What I just wanted to say is -- nine hundred and seventy-five million dollars is the amount that was given to me as the amount spent on AFDC. But I -- I don't think this is a bad idea at all. I think it's probably something we should try. If we're going to spend some money to determine if we can save money, it's worth trying. The only thing I would suggest is that we apply the same principle to some other ideas that have been passed by that side of the aisle: the voucher bill, the elimination of mandates bill, the school choice bill. Maybe we should study all of those as well and see if those are working or not. I don't see anything wrong with this at all.

PRESIDING OFFICER: (SENATOR WEAVER)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Senator Fitzgerald, to close.

SENATOR FITZGERALD:

Thank you, Senator Welch. I have gotten some figures since -- while others were talking. We now spend fifty to a hundred million dollars a year on job training programs, I'm told, and about a billion dollars a year on public aid. And with respect to our job training programs, we don't know which ones work and which ones don't work. And all this bill would help us do is find out the good programs and find out which are the bad programs. It would cost about a million dollars. That's money well spent. We don't want to be penny-wise and pound-foolish and throw money after bad programs. Let's spend our money on the good programs. There's no way we could know which way -- which ones are the good programs unless we try and find out. That's all this bill does, and it's only common sense. I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall House Bill 241 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 43, the Nays are 14, 1 voting Present. House Bill 241, having received the constitutional majority, is declared passed. Senator Dillard, on 258? Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 258.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a clean-up bill from the reorganization of higher

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

education Act we passed earlier this Session, and it provides that Sangamon State University's merger with the University of Illinois takes effect on July 1st, 1995, instead of January 1st, 1996. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Collins.

SENATOR COLLINS:

A point -- I'm sorry, Mr. President. My -- someone had touched my key and it was turned off, and on the last bill, I -- I had intended to vote No and -- and it didn't register at all.

PRESIDING OFFICER: (SENATOR WEAVER)

The record will so reflect. Any discussion? If not, the question is, shall House Bill 258 pass. Those in favor will vote -- will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 258, having received the constitutional majority, is declared passed. Senator Petka, on 270? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 270.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

SENATOR PETKA:

Thank you, Mr. President, Members of the Senate. House Bill 270 has two parts. The first part would basically permit -- or, strike that. The amendment, which was lively debated yesterday, would permit the threshold of population to be decreased from a hundred thousand to ninety thousand for certain sanitary districts under the Sanitary District Act of 1917. Additionally, it would

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

delete the provision that requires a membership from -- from the same political party. The -- this legislation would permit the Aurora Sanitary District to -- to come within the purview of the Sanitary Act. With that, Mr. President, I would be happy to entertain any questions, and I'd urge adoption of the -- of House Bill 270.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. This, in fact, would delete the current law that says if you have a five-member board, that no more than three should be of the same political party. I guess it ought to be pointed out that this is a blatant power grab, attempting to appoint Republican members, particularly in those areas of Springfield, Peoria, Aurora and Rockford. And I'm opposed. It seems to me that for credibility and for oversight, there ought to be a -- a provision ought to remain saying that there will be at least a minority representation on a board of this nature.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Sponsor yield?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR CULLERTON:

Senator, the -- the current law has a -- if I understand it correctly, there's five members on certain of these sanitary districts and three members on others, and it depends on whether or not they're in a municipality whose population is now a hundred thousand, and you're changing it to ninety thousand so that Aurora Sanitary District can come under the -- the provision that

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

requires five. Is that basically what this amendment -- what the bill does?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

SENATOR PETKA:

That's accurate, yes.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

So now, in Aurora, they only have three members, and I understand that you and other legislators get to pick, or have some input, as to who those three members are, currently. My question is, do you now, in that three-member board, have to have at least one be from the -- a different political party? That's a question.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

SENATOR PETKA:

Senator, I do not know the political affiliations of any members of the Sanitary Board in Aurora.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton.

SENATOR CULLERTON:

I -- my question is, does the Statute require -- let's put it this way. I understand that the current law says that on a five-member board, that no more than three shall be of the same political party. And you're abolishing that, so that the effect is that for all the five-member boards where they might have three Republicans and two Democrats, now they can have five Republicans. And Members of the General Assembly have a part of -- of that decision. My question is, in the current law, where there's only three members - three people on the sanitary district - does one

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

-- does the law require that one be of the -- of a different political party than the other two?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

SENATOR PETKA:

The Statute is silent on that.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor. Senator, is there a shortage of available people who are interested in serving on these boards, Democrats and Republicans? Do you -- do you have one dominant...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka. Senator Petka.

SENATOR PETKA:

Senator, it's a difficult question that you pose. I -- I simply have not done any research or asked any questions about the availability. Until this legislation is passed in its current form, there will be no vacancies.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Collins.

SENATOR COLLINS:

Well -- well -- well, Senator, I -- I assume the reason you wanted the opportunity to have them all from one political party is because there were some kind of difficulty getting the required number of people on the board and that maybe there was not of the opposite party available and willing people -- I mean, candidates to -- to fill these vacancies. And that -- that's why I asked the question. You had to have some rationale for doing it. Could you tell us why -- why you need to -- to make this change?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Petka.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

SENATOR PETKA:

Senator, yesterday during debate I offered the opinion that when we have language such as the language under the current Statute, it may preclude the possibility of having the best available people - those who are most competent to serve. They may be precluded by what some may refer to as a quota system. And I do believe that a board simply because it has a deletion of a requirement, that they come from the same political party, does not necessarily mean that we're going to have a -- what you would refer to as a partisan stack. I mean, there are -- there are people out there -- in fact, the vast majority of the people in the State of Illinois view themselves as being independent without any political affiliation of any kind. So, they'd be welcome to serve.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SENATOR PETKA:

Mr. President and Members of the Senate, I know that there's a great deal of consternation on part of the other side of the aisle on this. Term may be suspicion. Whatever -- whatever the term invoked today is, the fact of the matter is that all we are doing here is permitting the best-qualified people to be -- to be served -- or, to be permitted to serve on a board. And I do believe that that is consistent with what is best in government. With that, I would move for the adoption of House Bill 270.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall House Bill 270 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 23, none voting Present. House Bill 270, having received the constitutional majority, is declared passed.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

PRESIDING OFFICER: (SENATOR DUDYCZ)

On the Order of House Bills 3rd Reading, the bottom of page 5, House Bill 301. Senator Petka. Senator Petka. Out of the record. On top of page 6, House Bills on the Order of 3rd Reading, House Bill 304 <sic> (314). Senator Woodyard. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 314.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. I guess that the genesis of this legislation started back in 1989, when the federal government imposed restrictions on keeping juveniles in a county jail. During that period of time, several multicounty and regional juvenile detention centers have been built that are in compliance with the federal law. In my area, we tried to put together seven counties, including two from Indiana, to establish a juvenile detention center and could just never put together the money to be able to do that. Out of that -- out of that situation, the sheriff in Vermilion County recommended this legislation that has been passed by quite a number of other states hoping to encourage the federal government to either waive or relax restrictions on being able to keep a juvenile in a county jail. The bill, as originally introduced, would allow juveniles to be in a county jail as long as there was no contact by sight, sound or otherwise between the minor and adult prisoners. In the Senate Judiciary Committee, there was objection to two provisions of -- of this bill, and the Senate amendment I think pretty much took care of -- of most of those objections. Number one, there

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

was a provision that would have extended from thirty days to sixty days the possible incarceration of a juvenile, and that was removed. We're back to thirty days, as is present law. The second, the bill originally had a January 1996 effective date. The committee suggested that that be put off for one year, to January 1st, 1997 effective date for two reasons: number one, we should have the report of the Juvenile Justice Commission on the 1st of January of this -- of 1996; and number two, we may be able to convince the federal Congress to give us some relief or money for these juvenile detention centers. That's what the bill presently does, and I'll try to answer any questions or certainly solicit your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Molaro.

SENATOR MOLARO:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Molaro.

SENATOR MOLARO:

Thank you. Let me ask -- I'm troubled by the fact that our notation says that DCFS stands in opposition for this, and the reason they think it is, is that we could be exposed to a forty-million-dollar lawsuit because of the fact that we're not corresponding to federal law. Is that the reason DCF <sic> is opposed, and if it isn't, what is the reason? And if it is for that reason, are we looking at a forty-million-dollar price tag to the State of Illinois?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President. Senator Molaro, I don't know about

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

anything beyond the approximate two to two and a half million dollars that may be a possible loss - may be, I don't know. I guess my concern with the two and a half million: What is happening with the two and a half million? It's my understanding that that is not going into the operations of those seventeen juvenile centers today. It's staying in the central office. So what is it doing? I don't know that it's doing much of anything.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

All right. Then let me ask another question. Does this bill have it now -- and I'm -- I'm trying to read this right. Right now in Cook County you have -- you can keep them up to six hours. After six hours, you must transfer these kids to a juvenile detention center because of a lot of problems: Number one, they haven't been convicted. So this looks like -- I assume in counties that don't have the room for the juvenile detention centers, they must be -- I don't want to use the word "farming out", but contracting out to send these kids elsewhere. Does this legislation have it where these children could indefinitely be placed in a -- in the county jails as long as they keep the real prisoners away from them? I mean, is that what this legislation actually is doing? And we could keep them there indefinitely?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Woodyard.

SENATOR WOODYARD:

No, it would not be indefinite; it would be what the court, I guess, so ordered. And in answer to your other question, I know in my area, in east central Illinois, we just have no bed space in that entire area, and many of these kids are being sent to St. Louis.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Senator Molaro.

SENATOR MOLARO:

...(microphone cutoff)...question, because I certainly don't want to belabor this particular bill. But when you just said -- I'm looking in the Statute and I can't find where there is a definite time period that they must put these children elsewhere and then the adult -- when you say an order, you mean order by the court or an order by a judge? What if it takes three, four days, or a week? Would they be in a -- a county lockup?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Woodyard.

SENATOR WOODYARD:

Well, I -- I think what we're talking about are two different things: the detention and where they can be housed prior to that time. And -- and I think that's -- was my response on the indefinite period, because, yeah, there are provisions after detention has been ordered.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Shadid.

SENATOR SHADID:

Yes. Thank you, Mr. President. Would the speaker -- or would the sponsor...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield, Senator Shadid.

SENATOR SHADID:

Senator, the two million dollars that supposedly DCFS talks about that we get from the federal government, do you know where that goes to?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Woodyard.

SENATOR WOODYARD:

Yes, Senator. I know you and I've discussed that. We don't

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

-- I do not have that with me at this present time, but we do have a break-out <sic> of -- of where that two million dollars goes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Shadid.

SENATOR SHADID:

Well, as a former sheriff, for many years -- and when they passed this law several years ago that would not allow juveniles to be housed in county jails, there were horror stories printed all over the State, and there wasn't one documented incident of any of these things being factual in the State of Illinois. I have got a lot of confidence in the sheriffs in the State of Illinois, that if we allow them -- which we presently do, by the way, allow them to house juveniles for up to six hours in a county jail. I've got enough confidence in them that if we pass this law, that they're going to be just as conscious of the law separating them from sight and sound, and I think that it's time that we gave the counties back the opportunity to spend their money more economically than what we're doing now. It's costing counties a fortune to transport them all over the State, when we could be doing it in counties, and the jails could be then designed so they can be housed in the county jail, with the same support services. So I urge a Yes vote on this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield.

SENATOR CLAYBORNE:

Would this -- this bill allow for the incarceration of minors that have been abused, neglected?

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Woodyard.

SENATOR WOODYARD:

I guess a way to answer that would be that it is possible for temporary custody of -- of children that -- that that might have happened to.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Clayborne.

SENATOR CLAYBORNE:

So under this bill, if a child has been neglected or abused, then they can be incarcerated or locked up in the county jail.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Woodyard.

SENATOR WOODYARD:

I -- I think what you're looking at is -- is a most unique and rare situation. Most of those children, when at all possible, are sent directly into the foster home program, and -- and I -- yes, it would be allowed; the court could do that if there was just nothing else to do with that neglected child. But -- but that certainly is -- is -- would be a very rare case.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Clayborne.

SENATOR CLAYBORNE:

And I'd just like to -- to conclude in terms of -- I'm really not opposed to the bill in terms of being able to lock up juveniles who have committed a -- committed crimes where they can be certified as a adult. However, when it goes to the point of the potential -- I -- I just don't have the confidence in some of the individuals, as others may, in terms of using proper discretion in locking up children who are victims. And I have a problem with that. And therefore, I -- I don't think I could support this bill.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hendon.

SENATOR HENDON:

Thank you very much. Senator Woodyard, I know that your intentions are sincere and -- but I had a -- a couple of concerns. First of all, the juveniles that will be allowed to be housed in a facility with the adults, is there a specific area of crime that they have to be accused of, or can it be for anything?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Woodyard.

SENATOR WOODYARD:

It -- it can be anything, Senator, but as a pragmatic, practical matter, we haven't seen that happening. I'll tell you what's happening today, and it's one -- one reason I -- I'm not happy with some of the provisions in this bill. Take a thirteen-year-old with -- with robbery and there's no place to put that kid, they're turned loose. And -- and so what we're saying -- it's exactly as Senator Shadiid mentioned. There wasn't a problem with housing juveniles in county jails where they were segregated from adults, and that's what we're trying to do is say, for heaven sakes, why not let our county sheriffs take care of some of this problem, as long as segregation does occur, rather than having to send these kids out of state?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

I understand your situation. I really do, because we do not

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

have places to put them. The bill that I passed yesterday and you supported - and I appreciate that - would ask that they build some more centers. However, my concern is, if a child is -- is -- is taken down to juvenile for running away from home, or skipping school, or, you know, something minor, I'm -- I'm -- I have problems with them being housed in the same facility with adults because all kinds of bad things can happen to those children and that would be a tragedy. My question related to that is: Are we opening ourselves up - the State of Illinois - to possible lawsuit if something would happen to one of these juveniles that's in there for little or nothing? Can we be sued, or are we opening ourselves up to be sued if something happens to one of these minors because one of the sheriffs left a lock -- or anything - any reason - are we opening ourselves up for lawsuits, especially in case of a young person who really didn't have a -- anything major? Because, you know, I could possibly support the bill if it was restrictive to certain crimes: armed robbery, carjacking, murder, drive-by shootings, whatever. But it's not restrictive; it's any little -- you know, they may lock you up for anything in my neighborhood. So, I mean, are we opening ourselves up for suits?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Woodyard.

SENATOR WOODYARD:

Well, in answer to your question: Number one, can -- can the jail be sued? You're darn right. Can a detention center be sued? Absolutely. This has nothing to do with that whatsoever. What we're saying is, isn't it better to -- where you have jails that are not overcrowded at the county level, to be able to use one floor of that or something where there is segregation, to keep some of these juveniles in? And I can tell you that in some of -- of the crimes now, the more heinous crimes, very definitely, I

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

think the -- the court would order that they be incarcerated. You're -- you're concerned about minor offenses. If that judge orders them to a juvenile detention center, they're going to go there anyway, whether -- it depends on what that judge says.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. In conclusion, to the bill: I understand what -- what you need to do. I understand what you're trying to do, and I believe that there are some juveniles that we simply, unfortunately, have to lock up and we should be able to do that. I -- I'm just concerned because it's so broad-based that it -- you know, the young person could be in there for little or nothing and then you're going to put them in -- in harms way, and that's why I asked the question about the lawsuits. Sometimes, you know, they're locking them up right now for a curfew violation, and that -- that's not something that should land you in there with murderers and rapists and the sodomy that goes on in county jails. And the other problem is that you're not restricting it to those facilities that are not overcrowded, so they could do this at Cook County jail, which is already overcrowded and -- and already bursting at the seams for potential gang wars and that sort of thing. That goes on in the jails. So, for that reason, unfortunately I would -- I would have to vote No. I really wish you would take it out of the record and -- and we could amend it and just be specific on the -- the tougher crimes, and I could support it. But other than that, I -- I really couldn't, unfortunately.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Petka.

SENATOR PETKA:

Mr. President, once again, I move the previous question.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

There are four additional speakers left. Further discussion?
Senator DeAngelis.

SENATOR DeANGELIS:

Well, maybe I can throw some light on that. Thank you, Mr. President. Some time ago, we passed Senate Bill 1500, and Senate Bill 1500 is the bill that separates the category of offenders from what was called, in the old days, the status offenders, to delinquents. Now, delinquents are those people, had they been an adult, they would have been charged with a felony. You can no longer, after that bill, incarcerate for any length of time other than that time which is necessary to do what the bill calls, and the bill called for remanding them to a community youth agency. So when you start talking about people who are on these circumstances, they are not an abused child. They're not someone who happens to run away. They're not someone who violated curfew. These are somebody who shot somebody. And in some instances downstate, they do not have enough space or a separate facility to do that. So what they've done is created this out-of-sight and out-of-sound category. I'll tell you, your alternative to shooting this down -- well, there's two losses. One of them, the loss of federal funds, and the other one is to turn around and put these people out on the street. It's not that they're going to be kept forever; it's that they do need to have a facility till an action is taken. Simple as that. And this -- this concern about the child, as I would have too, that ran away from home or the child that's abused, that does not apply in this particular category.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Thank you, Mr. President and Members of the Senate. I rise in support of this legislation. You know, especially downstate, I've met with different sheriffs and State's attorneys and all, and their big problem is they can't house these juveniles anywhere locally, so the sheriff has to send a deputy and -- either they've got to baby-sit these children; they've got to drive them either to -- from our area of the State, they've got to drive them to Madison County or they -- to the northern part of the State. And it's -- it really puts an extra burden on the -- on the sheriff and the deputy sheriffs and -- to baby-sit these -- these youngsters till they have something to do with them. So, you know, and my people feel, other than the judges, that there wouldn't be anything wrong to segregate them from the other prisoners, where they have room, in these county jails, to keep these people and -- and help alleviate the -- the problem with them having to assign a deputy sheriff to them for hours and drive them all over the State to try to find something to do with them. I think it's a good piece of legislation. We ought to take a look at it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Trotter.

SENATOR TROTTER:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Trotter.

SENATOR TROTTER:

Yes. Senator, mine basically is a constitutional question here and one of due process. In looking at the present Statute, it says that this will apply to counties of population of three million or more. In those -- those counties of population of three million or more, it says that no minor shall be detained in a county jail or municipal lockup for more than six hours. So I

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

would just like to get a feel of your legislative intent. So are you saying that downstate that these individuals can be held indefinitely?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Woodyard.

SENATOR WOODYARD:

Senator, they are held pursuant to the court's order, and -- and I must tell you - I think you mentioned it, if I got what you said - Cook County is not in this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

I'm not -- I'm not concerned necessarily about with Cook County. I'm talking about one of equal protection and due process for all of our citizens of the State. So if we're only holding them for six hours up in the -- in Cook County, which I'm from, then why is it we are not allowing the same right of equal protection, which is the right of our Constitution under Article I in Section 2 which says we do have a due process and equal protection ruling that no person shall be deprived of life, liberty or property without due process of law, nor denied equal protection of the laws, which also falls under Fourteenth Amendment? So I'm just concerned about all of our residents, not necessarily just those in Cook County. And why are you making it this separate provision? So the Constitution of the law here, is this, in fact, a -- constitutional? Can we do this?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Woodyard.

SENATOR WOODYARD:

Well, current law is that the juvenile has to come before the court with in thirty-six hours, and -- and that's present law, and we haven't changed any of that.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

We -- we can hold these -- these juveniles for thirty-six hours in a regular county jail, subjecting them to -- to whatever other kind of violent characters and individuals in our -- in our system. Is that what you're saying here? And -- and if that is the case -- just to the bill: If that is the case, then, in fact, then I believe this is unconstitutional, because this is not fair nor just to these individuals. I think that they should have a right to a speedy trial, and thirty-six hours, I think, is -- is really an exorbitant amount of time for these individuals to be there. And you can comment, sir.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR WOODYARD:

Well, let me respond to Senator Trotter's concern there. They can be held six hours and then sent to a juvenile detention center for the remainder of the thirty-six hours in which they have to be -- which they have to appear before the court. So -- under current law. And we haven't changed any of that. All we're saying is that why not out of sight, sound and segregation, be able to hold that -- that person in that county jail? I want to make clear again, this does not apply to Cook County. I -- I think, Senator, if you would look at the whole Act, that -- that would be explained a little better. And I want to go back to Senator Shadid's comment, because I -- I think it kind of got lost in all of this. Going back to -- prior to 1989, when somebody decided -- and for what reason, I have no idea -- somebody decided at -- in Washington that you can't hold a juvenile even out of sight, sound, so on, in a county jail. Danville, Illinois, is a good example. They have a new public service building that is less

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

than fifteen years old, and it does not qualify to hold a juvenile. There were no incidents that we can possibly find where there were problems with holding a juvenile in a county jail. But now we can't do it. Did the federal government come up with the dollars to build these grandiose juvenile detention centers all over the State? No, they did not. And a lot of counties simply cannot afford to do that. This is not going to resolve the problem. It's no panacea to the -- to the situation we have at least in central Illinois, but at least it's a help and it's a little better tool than we've had in the past. And I would certainly urge your support and appreciate your support. Thank you very much.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 314 pass. 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 46 Ayes, 5 Nays and 7 voting Present. And House Bill 314, having received the required constitutional majority, is declared passed.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR DUDYCZ)

For the -- for the information of the Members, we had spent approximately one-half hour on House Bill 314. We have seventy-two bills left on the Calendar. House Bill 320. Senator Cullerton. Senator Cullerton. House Bill 330. Senator Watson. Out of the record. House Bill 340. Senator Dillard, do you wish

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

this bill returned to 2nd Reading for the purposes of an amendment? Senator Dillard seeks leave of the Body to return House Bill 340 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 340. Madam Secretary, have there been any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment just adds and clarifies that a local government which is required to prepare a fiscal statement can either choose to publish the names and salaries of all personnel, which is the current law, or it can do it by brackets, sort of increments of fifteen to twenty thousand dollars, et cetera. And I would move its adoption and be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator Dillard, this information that you're putting in brackets is some of the very little information we get from our townships in downstate Illinois. Does -- this applies throughout the State, and if so, why do you want to do it? I don't understand the value of bracketing amounts of salary.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

SENATOR DILLARD:

Senator Welch, first of all, many local governments do this already. They do it by brackets, and this still allows and forces a township to publish in newspapers the salary of all of its employees, but rather than sometimes with people who have the same jobs, who may have different anniversary dates and one person may make two hundred dollars more than the other and cause internal dissension among those employees. This came to me from a township supervisor up in my area of the State, who said it would be a lot better if we did not have to -- you know, to the penny compare every employee that we have. And this just brackets it like is done now, for example, with school districts. It does it the same way, and it's still of a choice. It's a choice by the local township or the local unit of government how they want to do it. But by brackets, it's still there. All the names are printed, and I believe the brackets are small enough so that there's full disclosure. But it's really for internal peace and harmony among employees, Senator Welch, that this supervisor brought this to me.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Well, you know, one supervisor I don't think should determine what the legislation is for the State. You know, we recently had a township -- an annual township meeting in the township I live in, and I decided to go to it. And you know what happened? I was the only person there. They elected me the chairman of the damn township caucus. This is the only information we get. What -- how much are the brackets that you're talking about, and does this apply just to township officials?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Senator Welch, under 15,000, 15,000 to 24,999, 25,000 to 39,999, and 40,000 and over. It's the same way of if you don't like this, then we better change it in the School Code for all the schools that are out there, but this would apply to all local governments, and it gives them the choice of doing it to the penny or doing it by brackets. But most importantly, Senator Welch, the names of the employees are out there for the public to see.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Senator, are you talking about elected officials, as well as employees, or just employees and not the elected officials?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

This part of the Act which I amend deals only with employees, not elected officials. I believe the elected officials' salaries are public matters anyway.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Welch.

SENATOR WELCH:

Does it include the salary of the township attorney as being within a bracket, or does that have to be specific?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

In this part of the Act, this deals only with employees, unless that is a full-time position.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Walsh.

SENATOR WALSH:

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

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Walsh.

SENATOR WALSH:

Senator Dillard, how does this differ from your original proposal that -- that you brought to the committee?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Senator, that gave -- this is much more, I guess, broad in terms of publication. My original proposal was to give them the option to publish anything or -- or to publish the names individually like is in the Statute now. This is different in the fact and it was the suggestion of a couple Members of the Local Government Committee that we go to bracketing. So this allows the publication of their names, bracketed dollar amounts which their salary is, where the other one wouldn't have had anything published.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Walsh.

SENATOR WALSH:

Thank you. This is a -- this, I think, is a reasonable solution. And I think, as the Senator pointed out, this is currently done with the schools, and I stand in support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Dillard, to close. Oh! Senator Dillard, to close.

SENATOR DILLARD:

I appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Klemm.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Mr. President, I -- I -- we did not move that amendment out of committee, so I'm not sure -- that's why you caught be off guard. It's not an amendment that I have on my schedule.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

I'd like to make a motion to table Amendment -- Floor Amendment No. 2 to House Bill 340 then.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm moves to table Amendment No. 2. All those in favor, say Aye. Opposed, Nay. The amendment -- the amendment is tabled. Any further amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bill 375. Senator DeAngelis. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 375.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. House Bill 375 consists of four amendments. The first amendment exempts the Public Building

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Commission of the Chicago school districts from property tax -- tax caps. That was the legislative intent with the caps to begin with. Committee Amendment No. 2 was Senator Lauzen's amendment which added the provisions of Senate Bill 326, which was Senator Syverson's bill regarding non-referendum bonding authority of park districts and also the downstate referendum on caps. Committee Amendment No. 3 is my bill, Senate Bill 213, which came out of committee. There was supposed to be a Floor amendment put on that while it was in here. We never got around to doing it, and the amendment is 213 with the recommended amendments that were suggested by the people who had a problem with the bill. And Committee Amendment No. 4 is Senator Karpziel's Senate Bill 521, which was offered by Senator Fitzgerald, which adds the Hoffman Estates Sears TIF citation, which says, as the TIF dissolves, the increments should be treated as new property. Be very happy to answer any questions. If not, I urge a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Molaro.

SENATOR MOLARO:

Yes. Would the sponsor yield for a question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Molaro.

SENATOR MOLARO:

As -- Amendment No. 3, we are now making it -- or codifying and making it mandatory that you have to do the income method as opposed to the market value method?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Molaro, if you're talking about the assessor's objection, we have put in this amendment, in order to appease him -- and I guess I can't go any further, other than to destroy the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

bill - and that is that he can request this. Now, one of his objections is that he had to do this every year. He -- all he has to do is request the revenue numbers. And frankly, I find that the revenue approach is coincidental to the market approach, 'cause you're not going to get any more than what -- the money it brings in.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. Then, to the bill: Well I happen to disagree with the Senator from northern Cook County -- I mean, southern Cook County. Point, what we're doing is, when you assess property, there's two way: income approach; market value. Income approach is based just on the rental, you know, income versus deductions and expenses. Well the problem, what it seems to me to be, is that someone runs their property the wrong way and they're paying too much for stuff and their -- their expenses are up, that's going to lower it because the income at the bottom line is going to be less. So therefore, what we're going to do is we're going to take all these big downtown buildings and make it easier for them to get a tax break. Now, in the age of tax caps, if we're going to give a break to all these big downtown buildings, the only way that we're going to do it then is we're going to shift the burden to the single family or -- or -- or two flats. That's the only way this could happen. Why we are insisting on making it easier for people to get a tax break who own big downtown buildings, I don't know. Right now the market value is there and we can use that approach, and the assessor could say no to some of these high-powered lawyers who come in there and try to get these reductions. If we allow them to use these -- if we allow them to use this way, we're really going to hurt ourselves and the taxpayers of Cook County, so I stand in opposition. Thank

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Senator, I see that you did do one thing. It appears that you corrected the language in this particular amendment from what it was last year on the park districts, and I think that's a step in the right direction. But in regards -- and I think everybody should be listening because this is a tax cap bill. It is a downstate tax cap bill. And for all of you on this side of the aisle and many of you who shutter when you hear the "TC" word, I think you should pay a little bit of attention and maybe the Senator can elaborate on a little bit. But as I read it, this will extend tax caps to downstate taxing districts if approved by referendum brought by a county board or taxing districts for counties that have higher equalized assessed valuation than 1983. With that, Senator, if we truly believe in tax caps, is there a provision to bring a citizen's initiative to have this referendum?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

I'm sorry. Ask that question -- I was talking to Senator Collins.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

She always gets preference. Senator, yes, when we talk about allowing the counties to have the authority, or their taxing bodies to have the authority to bring a referendum for tax caps, do we also, in this provision, in this amendment, allow for the citizens to bring an initiative for a tax cap?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

I defer that to Senator Syverson, whose bill that is.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson.

SENATOR SYVERSON:

Thank you. Currently that is not in the legislation. That's what we negotiated on the original 326, and what it does is empower the local county boards - and hopefully they're the -- one of the closest levels of government to the taxpayers - and it would be up to the county board to -- to put that onto the ballot, which would actually make it easier for citizens to put it on because they would not have to go out and get all the signatures and have government challenging those signatures.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

Thank you. However, there are provisions in this State to allow citizens to bring initiatives, and if we truly are a believer of tax caps, then why did we not include that initiative in this bill? You're leaving it in the hands of the county to make that decision. We are telling the county board that, yeah, you can pass tax caps if you desire to or, no, you don't have to if you don't want to. And I think that's really just passing the buck, and if we truly are interested in tax caps and if we're really interested in the citizen and if we're really interested in

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

the homeowner, then why did we not allow the homeowner the right to bring this initiative? If we're truly believers in tax caps, I think we should have done that. I just happen to think this is not a good idea, and I'm going to vote No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise also in opposition, basically because of what we're doing to a district like mine. I don't have a downtown building in my district. Whether they're good management, bad management, I do have a lot of people who own homes; I do have a lot of people who own two flats, three flats and condominiums. And what Amendment No. 3 does is it says, if you're a bad operator of a downtown building, as compared to your next-door building -- two identical buildings. One's half full, the other's full. First of all, I think it's illegal to -- under the uniformity provisions of our Tax Code, to treat one building different from the other, as a matter of law. As a matter of relief, an assessor can do it now. But if you're going to take Building A and say that the assessor has to tax it at one level and identical Building B but happens to be half occupied at a different level, first of all, I think that violates the rest of our Statutes. But more importantly is, to give that guy who didn't operate well a benefit means that my taxpayers are going to have to pay more. That's not tax relief, the thing that the people have asked us to do. It's the opposite. It's raising the tax that my real estate taxpayers are going to pay, and I'm against it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Burzynski.

SENATOR BUTLER:

Mr. President, I move the previous question.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

PRESIDING OFFICER: (SENATOR DUDYCZ)

There are no further speakers. Any further discussion? If not, Senator DeAngelis, to close.

SENATOR DeANGELIS:

Thank you, Mr. President. Let me clarify a few points. First of all, we have eliminated those factors which would lean toward a bad-management theory. The debt service for somebody who over-leveraged is eliminate -- Senator Carroll, are you listening? We've eliminated it. And when you talk about cost shifting, let me tell you where the cost shifting really occurs. Right now the assessor can do this and does do it, except that he does it in a closet. Nobody knows when he does it and how he does it. But every time he does it without this codification, every change results in what is picked up as an underassessment by the Department of Revenue and triggers a higher multiplier, and, my friend, that higher multiplier goes to those very same homeowners that you and I are concerned about, including ourselves. So why not codify an action he currently engages in and then eliminate the triggering of that higher multiplier? And basically, that's what drives this whole thing. We have taken out those factors that shoddy management might have, and we've tried, in every way possible, to turn around and -- and make this thing so that there is no benefit to that person in that category. But I got to tell you, the person that's currently suffering without this is, in fact, the taxpayer, because that underassessment has triggered a significant, significant multiplier. I urge your support for this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 375 pass. 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 34 Ayes,

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

22 Nays, none voting Present. And House Bill 375, having received the required constitutional majority, is declared passed. House Bill 377. Senator Parker. Do you wish this bill returned to the Order of 2nd Reading for the purposes of an amendment? Senator Parker seeks leave of the Body to return House Bill 377 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 377. Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SECRETARY HARRY:

Pardon me, Mr. President. It's Amendment No. 7, offered by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Barkhausen. Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President. Amendment No. 7 is an -- embodies an agreement between the Office of the Commissioner of Banks and Trusts and the Chicago Bar Association. It makes technical changes to clarify in the Corporate Fiduciary Act that the commissioner is not seeking, by this legislation, regulatory authority over attorneys' charitable trusts, not-for-profit corporations and other persons or entities that currently administer trusts on an individual basis, but who are only regularly engaged in business as a corporate fiduciary. And I move its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Berman.

SENATOR BERMAN:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Berman.

SENATOR BERMAN:

Wasn't this incorporated in the bill that we passed out yesterday? Senate -- House Bill 1023 or -- you know, the one that you previously had and you gave to me?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

No, not these provisions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Berman.

SENATOR BERMAN:

Which amendment is it that has the same language?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I'm not sure offhand, Senator Berman. It was an earlier amendment that was adopted in committee.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Parker.

SENATOR PARKER:

No...

PRESIDING OFFICER: (SENATOR DUDYCZ)

If there's no further discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 8, offered by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Barkhausen.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

SENATOR BARKHAUSEN:

Thank you, Mr. President. Amendment No. 8 is what was Senate Bill 777. It was a bill passed unanimously by the Senate 57 to nothing creating a -- within the Department of Commerce and Community Affairs a center for business ownership succession and employee ownership, and I move its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

Amendment No. 9, offered by Senator Parker.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President. This is really a wholly technical amendment. It corrects an internal Section of miscitation. I move its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

Amendment No. 10, offered by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President. Amendment No. 10 embodies Senate Bill 433, creating new remedies within the Business Corporation Act. This, too, is a bill that was previously passed unanimously by the Senate. And I move its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bill 385. Senator Maitland. Out of the record. House Bill 412. Senator Woodyard. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 412.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. This bill was discussed I know a year, year and a half ago with -- EPA or at least the premise of -- of trying to do something because of the enormous expense that dust collectors are costing in some of the rural elevators. And out of that came a bill that was -- is certainly supported by the Illinois Grain and Feed Association which would exempt elevators in just the dump pits, where you dump the corn or soybeans or wheat, from having to have that -- those dust blowers, but there are two provisions in the bill that I -- I think give pretty adequate protection, one of them being that it applies to only elevators that -- that are two million or less bushels of storage capacity, which means the smaller elevators. And the second thing, they would have to be located at least a thousand feet from any residential area before the exemption would apply. And so that's what the bill basically does.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Is there any discussion? If not, the question is, shall House Bill 412 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And House Bill 412, having received the required constitutional majority, is declared passed. House Bill 473. Senator Cronin. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 473.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill provides for kind of an alternative creative way to infuse more money into the public school system. It creates the Public Education Affinity Credit Card Act. It permits the treasurer to enter into an arrangement with a credit card issuer whereby the issuer agrees that a portion of the revenue from the card charges will be deposited by the treasurer in a Public Education Affinity Credit Card Trust Fund. Those monies can be used for public education. We're all supportive of public education. I ask for your favorable consideration. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Garcia.

SENATOR GARCIA:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Garcia.

SENATOR GARCIA:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Senator Cronin, I supported this bill in committee, 'cause I certainly support what you're trying to achieve, in terms of raising additional funds for schools. Are there any precedents where this has been done, any particular schools?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

I'm not aware of any.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Garcia.

SENATOR GARCIA:

Do you have any -- will each school set up their own fund, and if so, does the bill address the creation, the establishment of such a fund? And do you have any idea of what kind of potential there might be?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

I don't think each school sets up their own fund. It's mostly a permissive program that the treasurer is permitted to set this up and -- and adopt procedures, and there's a lot of latitude for the administration of it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Trotter.

SENATOR TROTTER:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Trotter.

SENATOR TROTTER:

Senator Cronin, do you have any -- any districts in mind when you -- when you drafted this legislation or were working with the Members from the House? Had they pinpointed some area that they

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

thought it might benefit?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

I have all districts in mind. I think it's a statewide program. And I don't know what the -- you know, I don't know how much money we're talking about, but it's -- certainly any additional dollars for public education is -- is a worthwhile thing to promote at this point in time.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

Okay. It says here that the designation of -- cardholders of affinity credit cards should be required to designate a specific school district to benefit from their use by the card. Now, if this is supposed to actually help poor districts, most -- unfortunately, poor folks don't have credit cards. So who -- who's actually benefiting from this?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR TROTTER:

Certainly not...(microphone cutoff)...

SENATOR CRONIN:

Well, that's a good point. And my -- my guess is that people who, you know, seek to, you know, enjoy the benefit of this program are going to try to benefit their own school district, generally speaking. There may be some people that want to benefit other more needy school districts. So I -- it would be pure speculation. I -- I don't know how to answer that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR CRONIN:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

This has been debated pretty thoroughly. It's never received a No vote at any point in this whole process. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 473 pass. 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 49 Yeas, 5 Nays, 2 voting Present. And House Bill 473, having received the required constitutional majority, is declared passed. House Bill 505. Senator Maitland, do you wish this bill returned to 2nd Reading for the purposes of an amendment? Senator Maitland seeks leave of the Body to return House Bill 505 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 505. Mr. Secretary, have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

Well, thank you very much, Mr. President. Members of the Senate, Amendment No. 2 to House Bill 505 does two things. It is requested by the County of DuPage to allow a referendum question on juvenile detention facilities to combine the two questions of construction and taxation for such facilities. Secondly, it -- current law allows the above county board -- or boards which have approved the establishment of a detention home to then levy a tax which was not approved by referendum. This tax rate, however, is combined by this language to -- to six percent of EAV of all property in the county. I know of no opposition, and I would

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

appreciate support for Amendment No. 2.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. House Bill 507. Senator Peterson. Senator Peterson?

SENATOR PETERSON:

Thank you, Mr. President. I move to table House Bill 507.

PRESIDING OFFICER: (SENATOR DUDYCZ)

You heard the motion. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion passes. House Bill 527. Senator DeAngelis. House Bill 544. Senator Mahar. Do you wish this bill returned to the Order of 2nd Reading for the purpose of an amendment? Senator Mahar seeks leave of the Body to return House Bill -- 544 on the -- 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 544. Mr. Secretary, are there any Floor amendments that have been approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Mahar.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. This is the latest revision of the concept known as Brownfields. It is significantly different from what had passed this Chamber several weeks ago. I think the principal bone of contention during that debate and that

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

vote revolved around the tax incentives which were in that bill. That has been totally removed from this bill. I will go through a few of the points that are in this. The legislation applies to all remedial activities, excluding specifically noted activities governed by federal law, the LUST program and remedial actions where the owner or operator wishes to complete the remediation of a site presently enrolled in the IEPA's pre-notice clean-up program. Clean-up levels are determined based on a level of risk encountered at the site after considering the future land use. Protection is provided to prevent property being utilized inconsistently with the level of cleanup achieved. The review process is modified to allow the land owner to engage in private review or full EPA review. In either case, the ultimate approval will be given by the IEPA and all reviews will be under the direction of the IEPA. And finally, the liability provisions regarding cost apportionment are made compatible with current law. I'd be happy to try and answer any questions, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Trotter.

SENATOR TROTTER:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Trotter.

SENATOR TROTTER:

Yes, just had a few questions I had asked on -- in committee. One in particular, of course, is dealing with the -- the whole notion of -- of getting rid of the joint and several liability clause which came up. Under this -- under this bill's fault-based proportionate share liability scheme, who would pay for the shares of the cleanup that cannot be apportioned to the responsible parties?

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Senator Mahar.

SENATOR MAHAR:

The -- the idea of proportionate share is, those who had contributed most to the -- to the situation that needs to be remediated will be the ones who will be cleaning up. Who would have to pay for that would probably go back to the fund -- Illinois -- State of Illinois - to us, as Members of the General Assembly, to consider that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

So -- so just more clearly, what you're saying is, if we cannot identify those individuals who made the mess, the taxpayers of Illinois will be responsible for cleaning up these areas, correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

The taxpayers of the State of Illinois are the ones who are being singled out and hurt by, number one, the sites which are not remediated; they're vacant; they are not commercially producing, and they're not employing Illinois citizens. That hurts every school district, every local government, in the State of Illinois, where one of those areas exists.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

And I -- and I certainly agree with that. The bad guys get off and we, once again, the little people, are going to get hurt. Does this bill provide for a new funding mechanism, a new funding source, so we can take care of this -- this dastardly deed?

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Senator Mahar.

SENATOR MAHAR:

There is, number one, no fiscal impact to the State as regard to tax incentives. Number two, the -- one of the reasons that the sites are not being cleaned up is because of the immense cost. That cost is being reduced by the risk assessment level, where we have a three-tiered approach. Not all sites will have to be cleaned up to the fullest extent, but rather to the extent of which the land will be used. And -- and finally, I think that the assumption that just because we are going to go to a -- a proportionate share, that there will be a tremendous amount of money lost and unrecoverable is an assumption which I don't agree with and I don't think that anybody in this room has statistics to bear that out.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

And that's -- that's absolutely true. No one has the direct statistics; however, in the committee, in talking to the Department of Environment -- Environmental Protection Agency, they said it would certainly be probably costing millions of dollars. They did not have an exact number. Those millions of dollars, of course, will come from, one, the cleanup itself in assuming those orphan shares, and the second cost will be those court costs in which we will be spending millions of dollars going to the -- the courts trying to find who had -- who did what and what proportion they had actually contributed to -- to the mess. So there is going to be millions of dollars spent somewhere on -- down the line by the taxpayers of Illinois. Just one final question, because we -- we did debate this in committee, and it was certainly then we found out that this might really be a big mistake at this point in time, in letting the big guys off the hook. But, has the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Governor, to your knowledge, have -- does he have any position on this bill?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

I have not discussed this bill with the Governor, though he -- the administration has been involved in the negotiations and negotiations are ongoing.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Trotter.

SENATOR TROTTER:

Just to that point: For one, of course, the -- the Department of -- Environment and Protection Agency is against it and also it's been brought to my attention, though I have not personally talked to the -- the Governor, but the Governor is opposed to this -- this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill is going to do is create a lot more lawsuits. What's going to happen is by eliminating joint and several liability, you're going to have lawsuits among the parties who are deemed to be the responsible parties. Once the total cost is determined, you're going to have those parties suing each other to determine who is the most responsible. In a situation like that, the individual who may in the past have not paid as much money will probably end up shouldering most of the burden. We have a situation in my area where one of the companies that had a contamination problem ended up filing bankruptcy. The cost of cleaning up fell to the Super Fund. That's what's going to happen here. This is going to be a shift of costs from business to the State of Illinois. It's going

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

to result in more of our tax dollar going for cleanup that should be paid by those who actually contaminate property. So what we're doing is bailing out polluters and shifting the burden of the cost to our taxpayers. So if you're happy with telling your constituents that you've decided to give more relief to those who are polluters and shift the burden to them, the voters, I think that would make a nice brochure for you to send out, and if not, your opponent probably will be sending that brochure out against you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Palmer.

SENATOR PALMER:

Senator, according to a letter I have from the Center for Neighborhood Technology, which is one of the very well-respected organizations operating in Chicago, there was an effort made to include in this process some citizen participation or at least to allow taxpayers to be notified that there was a remediation action going -- that was going to take place in their neighborhoods and thereby to allow them to know what potential risks were and to know what the intentions were for the land in the neighborhoods in which they lived. We're very fond of talking about what taxpayers want, and it would seem to me one of the most fundamental things they would want would be to know what was going to happen in their neighborhoods. So I'd like to know, according to this, why that part was not put into the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Thank you, Mr. President. Actually, that's a very good point, and that point actually is addressed in the bill. And if I might read a -- a line here: Allows the owner or operator to enter into a service agreement with the Agency for Agency assistance in community outreach efforts. Requires the Agency to maintain a registry listing of those sitings undergoing remedial action pursuant to this Title.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Palmer.

SENATOR PALMER:

Thank you, Senator Mahar, but that is not quite what I meant. To keep a registry is not the same as to provide for a process by which citizens who live in that community can actually learn firsthand what's going on, to... We spend a lot of time in our committees talking about issuing notices when taxes change, when all kinds of things change, and this is one of the most fundamental changes that could happen. You have a contaminated field, a contaminated corner in your neighborhood and you don't get a notice to find out that there is going to be some remediation taken, and you don't get to participate in that. And I'm asking why that is not included in this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. Well, there is a registry so they can find out where these sites are. Further, I would suggest that we have established a Site Remediation Advisory Committee which will be responsible for promulgating many of the rules dealing with community outreach. And I'm not familiar, Senator Palmer, with the organization that -- that you have cited, but I'd be more than happy to suggest that they be included in membership with the -- on the Advisory Committee.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

There are two additional speakers. Further discussion?
Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I would suggest that the sponsor take this amendment out of the record. The reason for my suggestion is this: I think there are some good points to address these polluted sites that are included in this amendment. The trouble is, you've put one or more pieces into this with the good pieces, and particularly the elimination of joint and several liability and making it proportionate share. The passage of this amendment and the passage of this bill is not going to be offset by the good points in the bill. This is going to result in tens of millions - and I'm probably being conservative - tens of millions, if not hundreds of millions, of dollars increased expenses to the people of the State of Illinois for cleanup which we presently don't even appropriate sufficient money to do now. If you vote Yes on this amendment, just as Senator Welch said, you're going to be putting yourself in a terrible position regarding picking up the costs of polluters and making the taxpayers pay for it. And you're not even going to be willing to appropriate the money to pay for it, which is even worse. I urge a No vote on this amendment.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Roll call has been requested. All those -- Senator Mahar, to close.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

SENATOR MAHAR:

Thank you, Mr. President. If I might just very briefly address a couple of -- a couple of points. Dealing with joint and several liability, the General Assembly has passed and the Governor has signed into a law a revised liability and apportionment system. We've already done away with it. This legislation brings the Illinois Environmental Protection Act into conformance with these new provisions. The plain and simple fact of the matter is, we have these sites, both large and small, many large sites which are vacant in the City of Chicago. There are two things that are needed before the business community will make their investment and before the lenders will make their investment and that is the risk-assessed system, the three-tiered system we have in here and the fair way of assessing who has to pay the costs, and that is proportionate share. Without that, then what you're voting for is to do nothing and status quo. I suggest we move forward and put these things -- these blocks of land back on the tax rolls where they are producing products and -- and employing Illinoisans. This is probably the biggest employment bill this -- the Members of this General Assembly will have an opportunity to vote on this year. I would move adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

All those in favor, vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. There are 39 Ayes, 13 Nays, and 4 voting Present. And the amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the top of page 7 of your regular Calendar, House Bills on the Order of 3rd Reading, House Bill 652. Senator

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Parker. Out of the record. House Bill 686. Senator DeAngelis.

Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 686.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. House Bill 686, as amended, allows FOID card denial and revocation authority for firearms for domestic-related battery, assault, aggravated assault and violation of an order of protection committed within the last five years. The committee worked this bill over pretty good, because they thought, when it came over from the House, it was a little too broad. I'd be happy to answer any questions, and I'll ask for the assistance of Senator Hawkinson, if they get too tough.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Hendon.

SENATOR HENDON:

Very quick. The person has to be convicted or found to be in -- in violation, is that right? Not just accused.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Yes.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Farley.

SENATOR FARLEY:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Farley.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

SENATOR FARLEY:

Yes. Senator, could you tell me what the cost would be in this legislation?

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Last figure we had is around five hundred thousand dollars.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Shaw. I beg your pardon. Senator Farley, excuse me.

SENATOR FARLEY:

Is that start-up cost or is that an annual cost or -- what kind of -- could you break that down for me?

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

It's primarily for the capturing of the data that's necessary to feed this system.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Shaw. Well, Senator Farley...

SENATOR SHAW:

Yeah. Will the...

PRESIDING OFFICER: (SENATOR WATSON)

Just a minute. You've got to let us know. Senator Farley.

SENATOR FARLEY:

Yes. Also, could you explain to me the five-year provision? The analysis that I have says that if someone was convicted within the past five years of domestic battery and the assault and the other charges, that their card would be pulled. So somebody that committed a violation four or five years ago, they would now go back and take this card, is that -- is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Farley, it's prospective.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Shaw.

SENATOR SHAW:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Yes, he will.

SENATOR SHAW:

I want to follow up on what Senator Farley was asking. Is this -- does this legislation -- is it retroactive back to five years from today?

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

No, Senator Shaw. It is prospective, which means when the bill is -- from the day the bill is signed into law, or the effective date of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Shaw.

SENATOR SHAW:

Does this have an immediate effective date?

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

January 1st, Senator Shaw, '96.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

And one final question: Once the FOID card has been revoked, what do we do with the guns at that point?

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Same as the revocation today, Senator Shaw, and that is, you'd have to get rid of it or turn it in.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Woodyard.

SENATOR WOODYARD:

Yes, Mr. President. A question of the sponsor, please.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Woodyard.

SENATOR WOODYARD:

Senator, there is a process, but it's not firearm-related convictions, whereby a person could lose a FOID card if they had been incarcerated under a civil -- under civil law. And to get their FOID card back, there is an appeals process before a three-member review board. Does this do anything -- I mean, is there an appeal process in this, or does this just -- it's revoked for the period of time, if the person is convicted under the provisions of firearm-related incidents.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Under this bill, if they have, in fact, committed the acts that are in here and been convicted, then they lose their FOID card for five years.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Woodyard.

SENATOR WOODYARD:

But how do they get it back? Do they have to go through this appeals process to get it back?

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Senator DeAngelis.

SENATOR DeANGELIS:

After the five-year period, they can reapply.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR DeANGELIS:

I just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall House Bill 686 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. House Bill 686, having received the required constitutional majority, is declared passed. House Bill 823. Senator Woodyard? Please read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 823.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President. Members of the Senate, this bill started out as the Kickstart program for the State Police. That has totally been deleted with the -- the amendment, and right now the bill only deals with two land transfers. They came in too late to get into the omnibus land transfer bills. It provides for a land swap from Conservation to the Illini Farm Service in Douglas County, and it provides for an easement of land from the State to the City of Vandalia for use of public purposes. And that's all the bill does.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Any discussion? The question is, shall...
Senator Hendon?

SENATOR HENDON:

Very briefly. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield.

SENATOR HENDON:

Senator, did -- all of the items that was in there about the
State Police having their own fund to purchase cars, that's out,
right?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Woodyard.

SENATOR WOODYARD:

That is correct. There is none of that left in the bill.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall House Bill 823 pass. All those in
favor, vote Aye. Opposed, vote No. The voting is open. Have all
voted who wish? Have all voted who wish? Have all voted who
wish? Take the record. On that question, there are 57 voting
Yes, no voting No, no voting Present. House Bill 823, having
received the required constitutional majority, is declared passed.
Senator Cronin, on House Bill 838. Out of the record. House Bill
913. Senator Dudycz. Senator Dudycz. Senator... House Bill
929. Senator Karpziel? Mr. Secretary, please read the bill.

SECRETARY HARRY:

House Bill 929.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpziel.

SENATOR KARPIEL:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Thank you, Mr. President. This bill now does two things. I mean, actually it's two separate bills.

PRESIDING OFFICER: (SENATOR WATSON)

I beg your pardon. Senator, do you wish this bill returned to 2nd Reading for the purpose of an amendment?

SENATOR KARPIEL:

Yes. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Senator Karpriel asks leave of the Body to return House Bill 929 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 -- is House Bill 929. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senators Mahar and Shaw.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Mahar. Senator Karpriel, do you...

SENATOR KARPIEL:

Amendment No. 1 is an exemption which would -- allows if any facility which was in existence on January 1st, 1988, and expanded before January 1st, 1990 - and this includes processing and transferring of municipal waste for both recycling and disposal purposes - exempts them from the setback requirements for pollution control facilities which are used as garbage transfer stations. Prohibits such facilities from accepting landscape waste and other municipal waste in the same truckload.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she will yield, Senator Hendon.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

SENATOR HENDON:

Senator Karpziel, is this the two lines that was in House Bill 1089 that's special legislation just for the Flood Brothers?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpziel.

SENATOR KARPIEL:

Senator, this is not the one for the Flood Brothers. This is one that is located in Crestwood. It was a transfer station before 1988, was expanded in January 1st -- before -- January 1st, 1990, and then we passed the setback requirements, and so it's now in noncompliance. This is just to put them in compliance.

PRESIDING OFFICER: (SENATOR WATSON)

The motion is on regard to the amendment. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senators Burzynski and Rauschenberger.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpziel will respond to the amendment.

SENATOR KARPIEL:

It amends the Nuclear Safety Preparedness Act. Provides that the appropriations to the Illinois Emergency Management Agency for the activities associated with preparing and implementing plans to deal with the effects of nuclear accidents shall not exceed six hundred and twenty-five thousand in FY'96, seven hundred and twenty-five thousand in FY'97, and seventy -- seven hundred and seventy-five thousand in FY'98 and thereafter.

PRESIDING OFFICER: (SENATOR WATSON)

All those in favor of the amendment, please signify by saying Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. With leave of the Body, we'd like to go back to House Bill 913. Leave is granted, and Senator Dudycz, on House Bill 913. Mr. Secretary, please read the bill.

SECRETARY HARRY:

House Bill 913.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. House Bill 913 requires back pay to police officers -- to officers who are not -- who are found not guilty in a suspension hearing or who have served a suspension greater than the State Police Merit Board prescribed, and it also requires seven percent interest payment on the back pay. And it also permits the Board to order costs and attorney's fees for frivolous litigation. The -- the language in this bill was included in House Bill 3587. Last year, it passed both Houses almost unanimously; at least it passed very easily. There were other provisions attached to it which invited an amendatory veto from the -- from the Governor and the General Assembly -- the former General Assembly failed to overturn the veto. In 1989 -- well I'll -- I'll just be glad to answer questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall House Bill 913 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? Please take the record. On that question, there are 58 voting Yes, no voting No, no voting

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Present. House Bill 913, having received the required constitutional majority, is declared passed. House Bill 939. Senator Peterson. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 939.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. House Bill 939 provides that the Interagency Council on Bikeways shall convene at least quarterly rather than from time to time. It also requires that the Council shall include a county engineer and a representative from the Cook County Forest Preserve District. Ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any -- any discussion? Any discussion? Seeing none, the question is, shall House Bill 939 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. House Bill 939, having received the required constitutional majority, is declared passed. House Bill 955. Senator Karpriel, for what purpose do you rise?

SENATOR KARPIEL:

Mr. President, may I have leave to come back to this bill in a little while?

PRESIDING OFFICER: (SENATOR WATSON)

Leave is granted. House Bill 974. Senator Klemm wishes House Bill 974 to be returned to 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 974. Mr. Secretary, are there any

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 6, offered by Senator Parker.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President. This Amendment No. 6 allows local township boards of trustees to appoint fire protection district trustees in Cook County where the fire protection district lies wholly within a single county, but contains more than one township or municipality. I would urge its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Trotter.

SENATOR TROTTER:

Yes, will the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield, Senator Trotter.

SENATOR TROTTER:

Senator Parker, who presently makes those appointments?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

Presently, actually, in the whole township, the board in that township would make the appointment to the fire district. What is unique in Cook County is that some of the -- the areas, of course, are smaller and closer together, and some of the fire district areas have more than one township in them. So they may just have parts of maybe -- small parts of one or two townships, and then that appointment is made by the Cook County Board president. So what we would like to do is to have it locally, like the other townships, done. This only affects about eight or ten townships in the area.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

Okay. So what you're saying, law has had it that the current Cook County Board president, whom is John Stroger, this is basically taking away some of his power that he's had and putting it in the hands of the -- the fire -- the fire protection townships <sic>, is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

What this does is allow the local people where there are fire districts that may have small, little parts of other townships appoint the same way as fire districts that have just one township in their area and keep it at the local level.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

Yes. But now I think we -- differentiating from the other hundred and one counties in the State of Illinois. This is clearly, from way -- the way it reads here, a power grab by -- by individuals from the County of Cook. And I think it's -- it's wrong and we should be voting against it.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield, Senator Collins.

SENATOR COLLINS:

When did this become a problem?

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Senator Parker.

SENATOR PARKER:

I think this has always been a concern, but now we are trying to address this. And this really is not a power grab. This is something that puts things locally, as it does in other townships, and it really makes sense.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I'd just like to maybe explain to some of the people in the room. I live in the far northwestern corner of Cook County. As a matter of fact, the street I live on is a border between Cook County and Kane County. The fire protection districts around us, because they cross township lines, are appointed by the Cook County Board - the trustees are. These are nonpaid jobs. But to think that -- that Mr. Stroger has time to decide who the best trustees are for townships located more than an hour's drive away from the heart of the City of Chicago is a big mistake. I -- I applaud the Senator's efforts to bring these down to local decisions where they should be. These are unpaid positions. These are -- these are, many times, volunteer departments. It's not a matter of patronage or anything else; it's a matter of local decision making. And I endorse this bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Viverito.

SENATOR VIVERITO:

Yes. Will the sponsor yield to a question?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield, Senator.

SENATOR VIVERITO:

Yes. I was wondering, Senator Parker: I'm familiar with township government and I know of cases in townships where they

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

made the question put to the people whether they wanted to have an elected fire district or not. Wouldn't that be more feasible, to ask the people in each particular township if they want to have their boards elected rather than appointed?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR VIVERITO:

Because what you do then is eliminate that possibility of someone appointing people that you don't like.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

I -- I would say that that's actually a separate issue. If you're going to be having an election, all of a sudden you're creating another amount of money to elect people. This is very simply appointing these people who are nonpaid to the trustee board. We want to keep it simple. We want to keep it local, and they would be appointed, actually, by the people who are elected there locally, which makes a lot of sense.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Viverito.

SENATOR VIVERITO:

I -- I know that the township fire districts are compensated some financially. Perhaps maybe a small amount of money, but they are compensated. And they do have the conventions and some of the other particular things, and that question was put in our particular township, whether they wanted an elected fire district or an appointed district. And frankly, they decided to have it appointed.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Fawell.

SENATOR FAWELL:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

I call for the previous question.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker, to close.

SENATOR PARKER:

Thank you -- thank you. I would urge your support on this. This just brings this back to the local level so people who are locally elected there can make these appointments. And I would urge your adoption.

PRESIDING OFFICER: (SENATOR WATSON)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. House Bill 999. Senator Cronin? Out of the record. Senator Petka, do you wish House Bill 1069 returned to the Order of 2nd Reading for the purpose of an amendment? Senator Petka seeks leave of the Body to return House Bill 1069 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 1069. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Petka.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Thank you, Mr. President, Members of the Senate. The amendment was old Senate Bill 145, which passed 59 to 0. It came out of the Judiciary Committee this morning on the attendance roll call. It merely makes the Statute of Limitations consistent

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

between the criminal sexual assault and the civil lawsuits which would be based upon that. I urge its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver, on House Bill 1106. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1106.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver.

SENATOR WEAVER:

Thank you, Madam President and Members of the Senate. House Bill 1106 amends the University of Illinois Act to declare that Chief Illiniwek is the honored symbol of the University of Illinois. That's all it does. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. I have a lot of respect for the sponsor of this bill and the work that he does - the great work that he does - and the fine job he does in representing the University of Illinois. But I think that to pass this bill would be a serious, serious mistake. First of all, this is a matter

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

that should be handled at the University level. It's not a matter that should be here before the Illinois General Assembly. If we pass this bill, what we're saying is that every grammar school, every high school, every college in the State of Illinois can go to their legislators and have them file bills to codify their mascot or their symbol. Can you imagine that? Thousands of bills filed. Talk about taxpayers' expense. Not only that, but then we're going to be -- because we've injected ourselves into this debate about this mascot, we are going to have to every year, I'm sure, address bills to repeal this codification of this mascot, because American Indians are not going to stand still for allowing the Illinois General Assembly to take a position on a matter that is of great importance to them. And they're not going to stand still. They came to committee, and in a very articulate manner, presented their views - very strong views. And I think out of respect for the American Indians, I think we ought to stay out of this matter and allow the University to establish a task force. Certainly we can pass a resolution urging the University to establish a task force to look at this and to ensure that all -- all interested individuals have an opportunity to participate in the debate. But we should not take a position that, in effect, says to everyone, we know what is best. We know that there's a complaint pending in the Department of Education Civil Rights Division. What's going to happen to that? Where are we going to be when that decision gets made? I urge us to back off of this, leave it alone, let the University deal with it, and not inject ourselves as a legislative Body into this debate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka, for what purpose do you rise?

SENATOR PETKA:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Thank you, sir. There's -- there's one, two, three, four, five, six, seven speakers. Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Madam President. Quite frankly, Senator del Valle has basically outlined our reasons, and I think they are legitimate reasons, for our not acting on this resolution. The University came before -- representatives came before -- was at the committee. They were -- he stood in the back of the room. They took -- wanted to take no part in support or against this resolution. At -- Senator del Valle kept insisting that they come to the table and express their views, and of course, he was noncommittal. They do want this resolution to pass, but they don't want to assume their rightful responsibility of actually addressing this issue. This issue has no place in this General Assembly. If you look at what is happening around the country, there are a lot of movement on the part of universities and other groups to get rid of any kind of symbols that in any way depicts a -- a -- a group of people or race of people in some kind of derogatory or demeaning way. Now, what is demeaning to you may not be demeaning to someone else, or what is offensive to you may not be offensive to someone else. But the reality, there are hundreds of thousands of people in this State that depicting that symbol is a -- I mean, it's not so much of the symbol itself or the -- or the person being Indian himself, but it's the way the culture of that -- of the dance, when he comes out on the field is demeaning because it does not depict the culture and the dance in the true way that it -- that it was represented. To -- to the Indians, the dance was very sacred and it was done for a very specific purpose, and it had meaning to the culture, just as this so-called symbol represents and have a very high meaning and a high honor to the University students. So if, in fact, we feel because it has such a profound meaning and honor to the students

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

as a symbol just for the sake of some game, then what more could -- why should we not be more concerned for the -- the -- the cultural symbolism that it represents to a nation of people? And that -- that's where we have to draw the line. For that reason, we should not be involved. Why not allow the University to resolve this issue? Create a task force, Senator Weaver, if you want to do anything at all, and demand that the universities bring in the -- all who are interested parties in this whole thing and resolve this issue once and for all. But if we start doing this with this -- universities, we're going to have to constantly utilize taxpayers' dollars and time to continue to do this, and I think it's the wrong thing to do and it's the wrong precedent for us to set, and we ought to vote against it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Shaw.

SENATOR SHAW:

Thank you, Madam President. But certainly -- to the bill: Certainly I don't think this is the appropriate way that this Body should be handling this. I think it's a -- it's a matter that should be taken up by the University, and it -- I happen to have been in committee a few days ago when this bill came out of committee. And the Native Americans were there, and they testified that they did not want this -- the University using this mascot. And who's better to speak for Native Americans than Native Americans? Who are we in this Body to tell Native Americans, "We are honoring you. We are honoring you"? That's what some of the Members said, and I think that is ridiculous, when they -- the Native Americans was there, or American Indians was there, telling you in the flesh that they did not want to have this at the University. And you know, it wasn't so long ago that I remember, and it's the same thing, that -- they were using the same thing about African Americans, and they told us too that it

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

was all right. They used to put a -- a -- a little -- they called it "Little Black Sambo". That's what this is equivalent to to Native Americans. And they told us that it was all right. This is not the way to treat people - humans - and the American Indians have rights too. And they have feelings, and what we are doing here in this Body, or attempting to do in this Body, is totally disregard those feelings. Totally disregarded them. And the University have no business doing that, as the people had no business doing that to African Americans. And who are we in this Body, as Members of this Body who supposedly represent the views of people, is to depict or demean people in a way or in a manner that -- in which they don't want to be demeaned? And tell them, "It's all right. We are doing you an honor." That is not the right way to go. And if we do this in 1995 to the Native American, we're going to pick some other group in 1999 and tell them too, "It's all right." But it's because the Native Americans might not have a large voting block in this State or in your district. That's why you're doing it. But you shouldn't do this. The -- this should be handled at the University level only, not a matter for the Legislature. Why don't we deal with the budget and the problems that confront the State of Illinois and the people of this State, not get involved or embroiled in a matter that the University can take care of? But that's what you want to do. But I think it's racism in the worst sense of the word. That's what you're doing here. And if you vote for this legislation, I think you're identifying yourself as among the -- what we have come to believe in this country in the 1960s as people -- we only care about people that look like us. That shouldn't be the way it is. This is unadulterated racism, and you should not buy into this.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw, can you bring your remarks to a close.

SENATOR SHAW:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Finally, we have some Native Americans in the audience or in the balcony, and they can look at it. They already know what it is. But those of us on this Floor here who have experienced racism, we too know what it is. And that's what this is, and you should do the right thing and defeat this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President. I -- unfortunate how this debate has gone to this point. I'm not sure what the -- the big deal is all about. This State is named for Native Americans. I've been to a lot of basketball games and football games, University of Illinois, and I've never ever seen the Chief Illiniwek, his performance or his dance done in a -- in a distasteful way at all. And I don't know what the -- the fuss is all about. We're not talking about a mascot. We're -- I mean, that's what we kept referring to in the committee was this was a mascot. We're not talking about the Army mule or the Navy goat. We're talking about a symbol of the fighting Illini, who was a very heroic Indian chief in this State and in this area. I commend Senator Weaver for bringing forth legislation such as this to create and maintain the symbol of the great State -- of the University of Illinois. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Garcia.

SENATOR GARCIA:

Thank you, Madam President. I feel compelled to rise and speak on this matter because I find it very tragic that, in 1995, this Body has to be debating an issue that, whether we like it or not, whether we have convinced ourselves that we ought to be acting on this or not, and no matter how much we try to convince others that we're trying to do something that will honor people,

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

we have been told by the Native American people that this symbol, which only a few years ago was a mascot because that's what sporting event symbols essentially are, generally speaking, for them means something else. It means religion. It means a sacred symbol, but it also means in this context, trying to rid themselves and their community and America of an ugly stereotype. I have no doubt that the sponsor of this bill has the best intentions and actually feels something good toward this symbol, but if the people that it is supposed to represent feel offended, then it is offensive. We cannot convince those people otherwise. They have a reason for feeling offended, and it is based in history. We should not forget, Ladies and Gentlemen, that without the help of the Native American people, the pilgrims at Plymouth Rock or Jamestown might have perished and history might have been different. In this day and age, to pass a bill like this will be an additional slap on the Native American people and our heritage - American heritage. As a descendant of ancestors that come from America and from Europe, I feel a very sense -- a urgent sense of cautioning this Body not to take this action. That is only compounded by the fact that the University of Illinois has not seen it fit and necessary to even establish an ongoing dialogue with the Native American community. And in Illinois, that community is the largest community of any other State where Native Americans don't live on the reservation. It brings shame to me, as someone who got my education through the University of Illinois at Chicago. I think that the bottom line here for the University is that it has invested lots of money into this symbol, and it reaps a lot of money through mugs that they sell and T-shirts and many other things that have this Chief Illiniwek on it to sell: money. But...

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

END OF TAPE

TAPE 3

SENATOR GARCIA:

...I think that it is shameful that the University has failed to act responsibly, that the institution which -- which prepares and cultivates our intellectuals and our professionals did not act, and that it has not looked at what the states of Wisconsin and Iowa have done to begin a dialogue and keeping people from becoming offended. They always stand up for academic freedoms and are free to criticize whenever we try or intend to meddle in affairs that they think academic freedoms ought to protect. Well, again, I reiterate that if we carry through with the adoption of this bill, that we will be offending -- continuing to offend many Native Americans and that it will only be one additional blemish on the history of this great State and this great nation. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Madam President. A couple of the speakers said this is an issue that we shouldn't have before us; this is not a political issue. And I disagree with that. If you recall the election Senator Simon was in just four years ago, the issue of whether we should keep Chief Illiniwek as a symbol of the University of Illinois was an issue. In fact, I remember seeing a airplane with a banner on it that said, "Keep the Chief. Dump Simon." So this is an issue that is -- that is one that we all have to deal with. The trustees of the University of Illinois could eliminate Chief Illiniwek as a symbol of the University of

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Illinois, and for that reason, we should become involved in this. But I think that there is more to it than this, and I don't know if political correctness is -- is the rule of the day or not, but -- but I remember when I was living in Champaign. I was ten years old and went to a University of Illinois football game. And before I went to that game, the only Native Americans I had ever seen were in cowboy and Indian movies, and I'll bet that's the same with almost everyone here. And to see Chief Illiniwek come out from the band and do his dance before the crowd at the University of Illinois was something I had never seen before and is something that was very memorable. Chief Illiniwek is not a caricature. He is a symbol of Illinois and its reverence for its Native American heritage. I think that this has been blown totally out of proportion. Chief Illiniwek has never been used as a promotion to sell items other than as a symbol of the University of Illinois itself. It is the symbol, just like all other universities have symbols. But to try to say that -- that we're offending Native Americans, I think certainly isn't the intention, and I'm not so sure that it actually happens. Everyone of us here is -- is a descendant of immigrants to this country and everyone of our ancestors has had discrimination against us. Today, this is -- this is brought to the fore in this situation. I think all of us have -- have to realize that -- that this is a Chief Illiniwek symbol that we all revere. Nobody sees the Chief as making fun of Native Americans. We see the Chief actually as being a symbol to change our viewpoints from what has been given to us in the cowboy-and-Indian mentality to somebody who actually does have dignity, does have responsibility and is somebody to look up to. So I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

WICS requests permission to tape from the gallery. Is leave granted? Leave is granted. Further discussion? Senator Farley.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

SENATOR FARLEY:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I was a Member of the committee and I am a Member of the committee that heard this legislation. I thought, as several others felt, that this should be an issue that should be resolved by the University, its alumni, its student body. However, that is not the case today. I asked the witnesses, the American Indian witnesses, several questions. They were very articulate, as was mentioned. And a couple of the questions that I asked, very briefly, were: Well, what about the professional sports teams, like the Chicago Blackhawks? Do you object to those -- those kinds of teams? And their answer was yes. And I -- and I asked them: If they would -- if there was a vote, a referendum, by the alumni or the students, that said that we do want the Chief to be our symbol, would you adhere to that? And they said they would still object. So, unfortunately, it's not being handled by the University; it's not being handled by negotiations on that level; so it is here before us, and I feel compelled now to act on it. I'd like to share with you, very briefly, the introduction that the Senator mentioned prior to the -- the Chief coming out at the football game, which I, personally, take great excitement in seeing and watching. And anybody that I have with me at that football game, I say: Now, we can't just run out of here at halftime; we have to see the halftime show. And this is a -- a highlight for me, when I am at the -- the game. And I'd like to share with you just for a minute the introduction: Created in 1926 by the Marching Illini, there is no more stirring and dignified tradition on any campus than the "Three-in-One". The symbol of the Chief Illiniwek symbolizes spirit, pride and loyalty to this great University in the most exciting four minutes in all of college athletics. Here is the incomparable "Three-in-One". Ladies and Gentlemen, I think one of the most important statements

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

in this introduction is the statement where they refer to it as being dignified. I think the Chief is dignified. I think the dance is appropriately dignified, and it is a great tradition and symbol, and I would support this -- this House bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. I consider the American Indians the true Americans, and I have the highest respect for them. The symbol of Chief Illiniwek - Illiniwek, as you people say it - to me is a symbol of a brave person, a leader, a warrior who knew no bounds to his braveness, and one who represents America as a symbol of greatness. University of Illinois is one of the greatest universities in the world. I talked to young Tom Livingston the other day, who came up to thank me for -- for defending this symbol because he has played the part of the Chief, and he said that every time he played the part of the Chief at the football games, he would get very emotional and feel the American heritage very deeply within him. To think that some of our Indian American friends think it's debasing is wrong. It's not debasing. It's honoring a great, great heritage. I'm an immigrant, and I can tell you that if it were a Greek portrayed, because I come from the land of Greece, I would feel very, very honored to think that my university would do that. And I feel, just as some of the prior speakers have said, that this is not a mascot; this is a symbol of a great American heritage - the American Indian. And I think it's wonderful that we have it at the University of Illinois, and I feel that those who protest too much against it, and if they are of Indian heritage, I think they should rethink their position and start realizing there is nothing wrong with being an American of Indian extraction, and there's nothing wrong with having the American

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Indian symbolized by a figure of greatness, of command, and of leadership. And I speak in favor of this.

PRESIDING OFFICER: (SENATOR WATSON)

That ends those who had been recognized prior to the motion for moving the previous question. There are a couple of lights on, but they came on after the motion had been put before the Body. So, Senator Weaver, to close.

SENATOR WEAVER:

Well, thank you, Mr. President. I know there's some strong emotions here, but for almost seventy years, Chief Illiniwek has been the honored symbol of the University of Illinois. A couple of weeks ago, one of our TV stations went out to Northeastern Oklahoma to talk with the Peoria Indians, who are the last living descendants of the Illini. Their chief and their secretary and treasurer had never seen Chief Illini and his performance. They were shown a video of Chief Illini, and they were really impressed and they made statements that they felt it was done in a very honoring manner. So those who are actual descendants of the Illini Indians feel that it's a privilege for them to be portrayed by Chief Illiniwek, and I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall House Bill 1106 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 46 voting Yes, 12 voting No, 1 voting Present. House Bill 1106, having received the required constitutional majority, is declared passed. Senator Dillard, for what purpose do you rise?

SENATOR DILLARD:

They're gone.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Collins, for what purpose do you rise? Your light's

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

on, ma'am. Senator Dillard seeks leave of the Body to return House Bill 1116 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 1116. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment adds two provisions of -- to the bill and represents an agreement between the title companies and contractors to language in the Mechanics Lien Act. I don't believe there's any opposition. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. House Bill 1149. Mr. Secretary, please read the bill.

SECRETARY HARRY:

House Bill 1149.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson.

SENATOR HAWKINSON:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Thank you, Mr. President. House Bill 1149 is sponsored by myself, Senators Karpziel, Maitland, Jacobs and Shadid. It attempts to bring some equity for our in-state sellers of gas services and allow them to compete with the out-of-state sellers. Right now, out-of-state sellers can get a tax exemption to sell to Illinois customers, which puts Illinois sellers at a competitive disadvantage and also decreases the revenues from income tax and sales tax to our State. If we grant this exemption that -- provided by this bill to put them on parity with out-of-state sellers, we believe that that would increase sales by Illinois companies and would increase the income taxes that they pay. I would -- this bill passed unanimously out of the House, 110 Aye, none Nay and 5 voting Present, and I would ask for your affirmative support. Be happy to try and answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall -- I beg your pardon. Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. A couple of questions for the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he will yield, Senator Lauzen.

SENATOR LAUZEN:

How would you respond to people who would be concerned that in the same place in Illinois with the same product, we're going to have some suppliers or buyers of natural gas who have no tax and -- and competitors who will have -- they'll have a 5.1 percent or anywhere between a 2.5 and a 5.1 percent tax?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson.

SENATOR HAWKINSON:

The intent of this bill is to create parity between sellers of

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

the gas in Illinois and those sellers from out of State.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

Are you aware that what this bill will do is bring -- from what I understand of the situation, we have our larger sellers of natural gas who go out and buy -- who have gone out of State to buy their supply of gas. What we're going to be doing by this bill is bringing them back into the State; they'll be exempt from sales tax, where people who never left in the first place are paying between two and a half and 5.1 percent on what they buy. That -- would you consider that equity, as far as, you know, people paying the same amount of tax?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson.

SENATOR HAWKINSON:

Well, I think your question's largely rhetorical, but I -- I do think that -- that we have less equity without the bill than we will have with it, because right now we're losing a significant percentage of sales to out-of-state suppliers at a cost to the Illinois economy. I understand the situation you're bringing, but I -- I think right now that our in-state suppliers are at a competitive disadvantage because of the current law.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Welch. Oh -- Senator Lauzen.

SENATOR LAUZEN:

I guess to the bill: You know, there are a lot of good things about this bill and -- and the companies that are providing this -- these goods and services -- I mean, it's -- they're good businesses, and I realize that what's trying to be accomplished is to bring business back into the State of Illinois. But I would have to ask: Are we not setting up an incentive for the smaller

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

suppliers who stayed here to move out of the State because then they wouldn't be taxed? I...

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson.

SENATOR LAUZEN:

No, I'm sorry. Rhetorically -- that's -- I just wonder if we're not setting up an incentive for other companies to leave the State as we're trying to bring the larger back in. In some cases, it's better not to take an action if the action we're going to take in this legislation would create an inequity, which, again, I would emphasize to people who are going to be considering their votes that what the situation we're going to have is, same place, same product; one person paying a tax, the other not. I -- I would just encourage either a No or Present vote, and I would suggest that we go back and figure out a better way to bring equity to this changing market.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

I'd just like to rise and compliment the sponsor on his intentions in leveling the ground and making sure we retain some of the -- the gas supply business among Illinois suppliers, but I would have to generally support Senator Lauzen's position. The -- this loophole in the tax created by purchasing your -- your gas supplies from out of State has created a situation where hopefully next Session we can take a hard look at changing the basis of this tax from a gross receipts tax to a gas utilization basis, or to another basis, because we're essentially, in -- in effort to provide more equity and to -- to the suppliers, are creating loopholes in the tax law. And -- and I certainly understand why the -- the sponsors bring this and why the House sponsor brought it, but I share with Senator Lauzen his concerns about creating

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

kind of a -- a convoluted system.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you. Senator Lauzen, we did try to have parity several years ago. We -- we had a bill introduced in the Senate that would have taxed purchases of natural gas at the wellhead at the same rate that you pay for natural gas purchases in the State of Illinois. It wasn't supported. This attempts to achieve parity by doing the reverse, which is eliminating the tax in the State for those who go out of State to purchase at the wellhead. I have one question of the sponsor, if I could ask him.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Hawkinson, my analysis says that this applies to companies. When we had the bill putting the tax in the wellhead, we had objections from universities and from the Cardinal as to -- as to putting a tax on natural gas. Does this bill also allow them to purchase in Illinois without paying the tax?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson.

SENATOR HAWKINSON:

I'm informed that it does.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Yes. Just to reiterate what -- what Senator Welch said. We did try and close this loophole a few years ago, and then we found out the users -- the ones -- the buyers at the gas wellhead were Cook County Hospital, University of Illinois, Caterpillar, the Cardinal and the Chicago Catholic Diocese. And if you want to

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

fight them, be my guest; otherwise, I suggest we -- we pass this bill.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR HAWKINSON:

Just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Question is, shall House Bill 1149 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 55 voting Yes, no voting No, 3 voting Present. House Bill 1149, having received the required constitutional majority, is declared passed. Senator Peterson, do you wish House Bill 1212 returned to the Order of 2nd Reading for the purpose of an amendment? Hearing no objection, leave is granted. And on the Order of 2nd Reading is House Bill 1212. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 12, offered by Senator Klemm.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm, on Amendment No. 12.

SENATOR KLEMM:

Thank you, Mr. President and Members of the Senate. Amendment No. 11 -- Amendment No. 12, excuse me, is a technical amendment that corrected a passage that was left out on Amendment No. 11. The Department of Revenue, in drafting 11, saw that we had crossed off one provision that affected the local tax for municipalities, and we corrected that in Amendment No. 12. And I do ask for your adoption.

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

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:

Amendment No. 13, offered by Senator Peterson.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Peterson, on Amendment No. 13.

SENATOR PETERSON:

Thank you, Mr. President. Amendment 13 creates a -- creates a checkoff for the "Thumbs Up" Child Safety Fund to be annually appropriated to the University of Illinois for the purpose of a grant to the Office of the Study of Child Victimization. I ask for adoption of Amendment 13.

PRESIDING OFFICER: (SENATOR WATSON)

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

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. House Bill 1237. Senator Petka? Senator Petka. Madam Secretary, take it out of the record. House Bill 1246. Senator Karpel. Out of the record. House Bill 1248. Senator Hawkinson. Out of the record. Senator Hawkinson, do you wish House Bill 1268 returned to the Order of 2nd Reading for the purpose of an amendment? He asks leave of the Body. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1268. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 3, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Senator Cullerton, on Amendment No. 3. Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Senator Cullerton did offer two amendments, but they were agreed amendments this morning. The first one, Senate Amendment 3, does two things. There was an unfortunate case apparently in the northern part of the State where a juvenile was arrested and lied about his or her age. Said they were seventeen - an adult. Because of that, they were held more than the thirty-six hours they were supposed to be, and the conviction was ultimately overturned. This bill provides that if a -- someone lies about their age, that that thirty-six-hour rule can be extended and will not be grounds for reversing the conviction.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any...

SENATOR HAWKINSON:

Also, there's a second part of the amendment regarding hearings -- fitness hearings. And again, there was a -- an unfortunate incident involving the reversal of a case, and this amendment would say that if someone is on medication, for example, and there is no bona fide question as to whether they are fit to stand trial, that you need not have a fitness hearing; that only where there is some bona fide doubt as to fitness will a fitness hearing be required. And I would ask for the adoption of Floor Amendment No. 3.

PRESIDING OFFICER: (SENATOR WATSON)

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:

Amendment No. 4, offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you again, Mr. President. Again, it was an agreed amendment. There was legislation initiated earlier in the Session, I believe by Senator Shadid, regarding metal armor-piercing bullets. That legislation didn't go anywhere, but it -- it initiated some discussion among the State Police, the Illinois State Rifle Association and the National Rifle Association. Those entities are in support of this amendment which simply conforms the State definition to the federal law, and I would ask for the adoption of Floor Amendment No. 4.

PRESIDING OFFICER: (SENATOR WATSON)

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

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. House Bill 1279. Senator Rauschenberger? Senator Rauschenberger on the Floor? Out of the record. House Bill 1303. Senator Lauzen? Senator Lauzen on the Floor? Out of the record. Senator Hawkinson, for what purpose do you rise? Moving on. Bottom of page 8. House Bill 1319. Senator Weaver? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 1319.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver.

SENATOR WEAVER:

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

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Bill 1319 is requested by the Community Bankers Association, and it addresses an area of tort law known as interference tort, an intentional interference with existing contracts or actual prospective business arrangements by third parties without privilege or justification. It's a little bit complicated, but basically, interference tort can arise in a variety of situations. In a recent case, a bank was successfully sued for telling a farmer of leased land that his lease commitments were an obstruction to a loan approval. The farmer terminated his lease arrangement in order to obtain the loan, and the lessor successfully sued the bank for interfering with his commercial arrangement with the borrower. This bill would immunize the bank in that situation from a suit by a stranger to this agreement, unless the bank committed third-party fraud. It's a little complicated, but if there's any questions, I'll be happy to try to answer them.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall House Bill 1319 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, 1 voting Present. House Bill 1319, having received the required constitutional majority, is declared passed. With leave of the Body, we would like to go back to House Bill 1237. Senator Petka thought there was an amendment on -- had been filed, but there was not. Leave is granted, and we will return now to 3rd -- 3rd Reading, House Bill 1237. Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President...

PRESIDING OFFICER: (SENATOR WATSON)

Madam Secretary... I beg your pardon. Madam Secretary, please

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

read the bill.

ACTING SECRETARY HAWKER:

House Bill 1237.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President, Members of the Senate. House Bill 1237, as amended, creates a misdemeanor offense of unlawful possession of a jackrock. This is defined as an iron device with four spikes placed on the ground so that one spike sticks up to hinder. We also put a further amendment, which was adopted in committee: means a caltrop or other object manufactured with one more or more rounded or sharpened points, which when placed or thrown present at -- at least one point -- such angle that it is peculiar to and designed for the use in puncturing or damaging vehicle tires. It does not include a device designed to puncture or damage the tire of a vehicle driven over it in a particular direction if there is a conspicuous and clearly visible warning posted at the device's location which will alert people to its presence. The offense for possession of this device, which has no known lawful purpose, is a Class A misdemeanor. Mr. President, Members of the Senate, I would urge support for House Bill 1237, as amended.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall House Bill 1237 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 57 voting Yes, no voting No, no voting Present. House Bill 1237, having received the required

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

constitutional majority, is declared passed. Moving on to the bottom of page 8. House Bill 1461. Senator Mahar. Senator Mahar on the Floor? Senator Mahar. Out of the record. Senator Parker, on House Bill 1462. Madam Secretary, please read the bill. Senator Parker, that amendment has already been adopted. This is on 3rd Reading. Why don't you come on down to the well. We'll go back to this. Ask the Secretary, and will move on and we'll have leave to come back to that order of business. We'll move to the -- page 9. House Bill 1465. Senator O'Malley. Senator O'Malley on the Floor? Out of the record. House Bill 1470. Out of the record. House Bill 1523. Senator Lauzen? Senator Lauzen on the Floor? Out of the record. House Bill 1587. Senator Fawell. Out of the record. House Bill 1596. Senator Walsh? Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 1596.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Walsh.

SENATOR WALSH:

Thank you, Mr. President and Members of the Senate. House Bill 1596 repeals the Electronic Fund Transfer Transmission Facility Act and replaces it with an updated Electronic Fund Transfer Act. House Bill 1596 is the product of extensive work of the Commissioner of Banks and Trusts and representatives of the financial community. Commissioners working with the group included the Illinois Bankers, the Community Bankers, Cash Station, the Credit Union League, the Retail Merchants Association and others. The intent of House Bill 1596 is to create a more understandable and efficient Act. The ground rules for the working group was that no provision was to -- was changed unless it was agreed to by

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

everyone and all consumer protections were retained. And I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

There any discussion? Senator Demuzio.

SENATOR DEMUZIO:

One quick question of the sponsor, if I may.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Demuzio.

SENATOR DEMUZIO:

Haven't had time to read the entire text, as a person who was involved in the first Electronic Funds Transfer Act. Is there mandatory sharing in this -- in this bill?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Walsh.

SENATOR WALSH:

Yes.

PRESIDING OFFICER: (SENATOR WATSON)

There any further discussion? Senator Walsh, do you wish to close? The question is, shall House Bill 1496 <sic> pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, 1 voting Present. House Bill 1596, having received the required constitutional majority, is declared passed. Senator Sieben, on House Bill 1633. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 1633.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Sieben.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

SENATOR SIEBEN:

Thank you, Mr. President. This legislation, as amended, now does two things. First of all, it amends the Illinois Aeronautics Act to redefine aircraft so that we can clarify the status of ultralight aircraft in Illinois and brings us in line with federal aviation regulations. Secondly, it allows for trolleys to use their bells for indicating arrival and departure. This language was worked out with the State Police and with IDOT. I know of no opposition.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Seeing none, the question is, shall House Bill 1633 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. House Bill 1633, having received the required constitutional majority, is declared passed. Senator Palmer, on House Bill 1730. Out of the record. Senator Cronin, on -- on House Bill 1741. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 1741.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cronin.

SENATOR CRONIN:

Thank you. Thank you, Madam President and Ladies and Gentlemen of the Senate. This bill, which originated in the House, seeks to clean up a few -- a few issues in the bill that was referred to as a -- as the Baby Richard bill last Session. This bill -- under current law, fathers of children being adopted, putative fathers, and men holding themselves out as fathers, are

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

entitled to notice of the adoption solely for the purpose of appearing and presenting evidence relevant to the child's best interests. This bill moves this notice provision verbatim from the notice to putative father Section to the process Section of the Adoption Act. This bill passed out of the committee on the Agreed Bill List. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, the question is, shall Senate -- House Bill 1741 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wish? Take the record. On that question, there are 59 voting Aye, none voting Nay, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. House Bill 1787. Senator Walsh. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1787.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Walsh.

SENATOR WALSH:

Thank you, Madam President and Members of the Senate. House Bill 1787 amends the Illinois Lottery Law, the Illinois Pull Tabs and Jars Game <sic> Act, and the Charitable Games Act. In the Lottery, it clarifies, in determining whether a prize is less than six hundred dollars, that the amount of the wager shall be deducted. In the Pull Tabs and Jars Game Act, it strikes the limitation that you can only hold one game, and it increases it to two. And then it makes changes in the Charitable Games Act. I'd be -- be happy to answer any questions.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I rise in opposition to this legislation for some specific reasons. My concern is in the area of the pull tab and jar games Section of the Act. We did pass, a year or two ago, legislation to try and clean up that provision between that and the gambling part of -- of the Act, and -- and let me explain, maybe, what this -- what the amendment to this bill now does. What we had been concerned about, because of various articles that had been written, were that people were going around who were not volunteers working these various casino games, and they were, in fact, paid people coming in and working. We passed legislation to require the Department of Revenue to go and check these people by having their birthdate, Social Security number and things like that, so we could see if, in fact, they were actually professionals in this business, rather than charitable volunteers. One of the things the amendment does is to take out the requirement that they give their birthdate and that they give their Social Security number, so there's no way of tracking whether, in fact, they are professionals or they are volunteers working for the charitable organization. I think that is exactly the wrong way to go. The second thing is its fiscal impact. Right now, for example, if you were holding a gambling event as a charity, the tax to the State is based on the gross. This says it would be based on the net, which means you take away from the provisions on which you assess a tax the cash winnings of the people who are involved. Now this affects then people like the Cerebral Palsy gamble. There, if you go and participate, if you have "winnings" - quote, unquote - at the end of the day, you get a -- you can get a gift of some kind, and it can be a quite

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

valuable gift. Cerebral Palsy would be taxed on the gross since they're not giving out cash. This would change it for others who if they give cash prizes, they wouldn't have to pay tax on that part of the handle, and it would, in fact, take away about half of the income the State is now getting. I do not think we want to turn these into gambling parlors. The purpose of this Act was to allow charities to raise some funds by having their own people go in there and actually volunteer and work the games and try and raise a few dollars. This now changes it to where we would then have casino gambling with professionals going around, and then we would -- we've also lowered the tax, and I think that's the wrong way to go.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Sieben.

SENATOR SIEBEN:

Thank you, Madam President. I would also rise in opposition to this legislation for many of the points that Senator Carroll has enumerated. And just to call the attention of the Members of the Body, anybody that's concerned about expansion of gambling and the proper safeguards of gambling, this legislation significantly undermines recent legislative changes which sought to stem this wide spread of abuses in the charitable gaming field. So I would raise strong question about what this legislation does and ask people to vote No on this legislation.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I know where this amendment has come from. It's come from, frankly, the American Legion and the VFW boys. What has happened in a number of these American Legions - and I know it's happened in Villa Park and Lombard, because they were the ones that came and talked to me about it - frankly, most

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

-- or a lot of the American Legion members are -- are kind of getting up in age. I mean, they're actually older than I am. And so, what's happened is you have four guys at the Lombard American Legion that knows how to work these games, and they'll go over and help Villa Park. And then Villa Park, four guys, will go over and help Lombard. That's what this bill is really all about. This has to be done for charitable organizations only. It's something that -- that -- the American Legion guys and the VFW guys and the Veterans from Foreign Wars, those are the ones that have approached me and asked me to support this. I don't see anything wrong with this. They do -- they do very good work with the money that they raise. We are talking about only taxing them on the money after they give the prizes out. I think that's fair. I think on the whole the amendment is -- is a good amendment. I don't see anything wrong with it. If we can help the guys help their communities, I think we ought to be doing it.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR WALSH:

Thank you, Madam President. I'd like to take this bill out of the record.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

This bill is taken out of the record. House Bill 1792. Does the sponsor wish this to be recalled for purposes of amendment? Senator Cronin? Madam Secretary, will you read the bill. Do you wish to return to -- this bill for purpose of an amendment, Senator Cronin? 1792. With leave of the Body, we'll return back to 1792 and proceed on the others. House Bill 1797. Senator Rauschenberger. Take it out of the record. House Bill 1833. Senator Parker? Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

House Bill 1833.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Bill 1833 merely -- IFIBA, the Illinois Financial Institutions Banking Act, was revised to permit Illinois banks to fund a community development community reinvestment super bank with participating Illinois banks receiving pro rata credit for the community development loans made by the super bank; however, that revision was contingent upon the federal government enacting legislation. What this bill does is merely repeals this idea that never happened or occurred, and I would urge a favorable vote or answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

She indicates she will yield.

SENATOR PALMER:

Senator Parker, this was a bill that I was very, very interested in. I think it's very important that we have the capacity to support communities and neighborhoods, and this was one way of having the vehicle for this. Now, as I read this, is it that this has cost the State money? And if it hasn't, then why are we repealing it?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker.

SENATOR PARKER:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

No, it has not cost the State money. There's no vehicle for this because the vehicle did not happen at the federal government level.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker <sic>.

SENATOR PALMER:

Thank you. That doesn't mean that it is not possible to do it in the State of Illinois. If it is not costing us anything, I don't understand why we should get rid of a vehicle that could assist us in helping communities.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker.

SENATOR PARKER:

There has not been that vehicle, as I said, and the commissioners don't want to do it now, since there is no vehicle. The Illinois financial institutions have decided they don't want to participate in this sort of pool anyway at this time and would rather receive individual credit for the community development loans. So this bill would actually put them on a better standing than it is now.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker. Senator Parker.

SENATOR PALMER:

I am going to vote No...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

I mean, Senator -- I'm sorry.

SENATOR PALMER:

Palmer. Right.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Palmer.

SENATOR PALMER:

There is a difference. I -- I am going to vote No for this

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

because if it's not costing us anything, if it is on the books, and certainly if we're going to use as our argument getting rid of things on the books that we don't necessarily use at this moment, then we could be here for several more Sessions doing that. But I think that this is good to keep because it is -- it offers us some possibility of getting money to communities, and I am certainly for that in every conceivable way that we can. So I really would not like to vote for this -- to repeal the Financial Institutions Banking Act.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, Senator -- Senator Parker, to close.

SENATOR PARKER:

Thank you. This would actually repeal something that has no statutory authority on the books, and I urge your favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 1833 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 51 voting Aye, 6 voting Nay, 1 voting Present. This bill, having received the required constitutional majority, is hereby declared passed. With leave of the Body, we'll go back to House Bill 1792. Senator Cronin. Do you wish this bill returned to 2nd Reading for purpose of amendment? Madam Secretary, will you read the bill. On the Order of 2nd Building <sic> is House Bill 1792. Madam Secretary, are there any Floor amendments?

ACTING SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Cronin.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Would you -- Senator Cronin, would you give us the amendment.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

SENATOR CRONIN:

Thank you, Madam President. Senate Floor Amendment No. 2 to House Bill 1792 is the Criminal Code clean-up bill. It passed out of the Senate Judiciary Committee 11 to nothing. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Is there any discussion? Any discussion? Hearing none, all those in favor of adopting this amendment, please signify by saying Aye. All opposed. In the opinion of the Chair, the Ayes have it. The amendment is adopted. Are there any further amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. House Bill 1869. Senator Syverson. Madam Secretary, will you read the bill.

ACTING SECRETARY HAWKER:

House Bill 1869.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Madam President and Ladies and Gentlemen of the Senate. House Bill 1869 is the result of three years of work from the Public Health Committee and with help from Senator Smith, and we appreciate her help, and also to former Senator Judy Topinka, who gave permission or worked with us to set up hearings around the State over the last couple years, Senator Trotter, and myself, in working with this legislation. This -- this bill is the personal attendants bill, which increases the -- the pay from four dollars and eighty cents to five dollars an hour. I think we

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

heard from not only testimony in the committee but from the hearings around the State that there is no group that does more to help not only the people in this State, but to help taxpayers than the personal attendants, and this is a very small step of bringing them a little closer in line to -- with other health care professionals. And I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Senator Garcia.

SENATOR GARCIA:

Thank you, Madam President. I rise in support of this bill and want to commend Senator Syverson for taking leadership to finally make something happen for the hundreds of people that make it possible for many other people throughout the State of Illinois to live a more fulfilling life where they live. And this is something that's overdue, and again, I urge everyone to vote for it.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Madam President and Members of the Body. I, too, rise in support of this. This is an extremely important bill. I spent a day with home care workers doing their work, and it is hard work. These are the people who help us keep our senior citizens at home and out of long-term care in nursing homes. They're extraordinary people, and as Senator Garcia said, this is long overdue.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Madam President and Ladies and Gentlemen of the Senate. I stand in full support of this legislation, and I merely

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

wanted to quote and ditto what has been said by the other two Senators. Please, let's all vote for this one hundred percent. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President and Ladies and Gentlemen of the Senate. I just rise to compliment the sponsor on his intention. I think this is a group that really does deserve some help. However, I would warn all of my colleagues that, as we pass this, we are going to create some additional budget stress and just look forward to everyone's cooperation in helping to find the places we're going to have to need to kind of trim the budget to be able to afford this. But I -- I know Senator Syverson's worked very hard for three years for this initiative, and I just wanted to -- point that out to everybody.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Bowles.

SENATOR BOWLES:

Thank you, Madam President. I, too, rise in support of this bill. These people by the service they give to those people who remain at home is invaluable and has saved the State of Illinois hundreds of thousands of dollars in the course of the year. And to further say, the kind of work they do, it takes a special kind of person, and there's very few of us, I feel, that could do this kind of work that these people do for a minimum, minimum wage. And five dollars an hour is less, actually, than they should be paid, but we'll be happy for affirmative vote on that. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Mr. Syverson, to close.

SENATOR SYVERSON:

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Thank you, and thank you for those kind comments, and also, thank you to Senator Raica, the Public Health Chairman who worked with us to amend this bill to get -- get it where it is. In response to my friend, Senator Rauschenberger, if we do not have the personal care attendants, then we're forced to do two things: put individuals into nursing homes at very heavy cost or, number two, have to hire through homemaker agencies in which the State reimburses at eight dollars and nineteen cents. So this is the -- I think, a way to save the State money. I'd also like to thank the sixteen current sponsors of the bill, as of a few minutes ago, with the last couple that have been added and also ask for a favorable roll call vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The question is, shall House Bill 1869 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 53 voting Aye, none voting No, none -- 3 voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. Senator Jones, what purpose do you arise, sir? Senator Jones.

SENATOR JONES:

I see it's not working, since last evening.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

I wonder why.

SENATOR JONES:

But...(microphone malfunction)...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Take the next one, Senator Jones.

SENATOR JONES:

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

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your point, Senator Jones.

SENATOR JONES:

Yes. Yesterday during the -- the debate on the motions, where we went to the Order of Motions, and the Members on this side of the aisle were seeking recognition, I went to the Chair to -- when Senator Maitland was the Presiding Officer at that time. And at that time, I wanted to see why the Members on this side of the aisle lights weren't working or they weren't even being recognized. And perhaps it was misunderstood why I was there, not to cause my good friend, Senator Maitland, any harm, as such, but to just really check on the lights. So if it was misinterpreted in any manner, the matter was to find out why they were not working. Maybe like my -- my mike is not working. And I believe Senator Dudycz came to defend him and -- but that was not really necessary, as such, because I've been in this Body for a number of years, and I'm not going to harm my friend, Senator Maitland. So -- and anything I said to Senator Maitland, it was not in -- out of disrespect to him. It was out of respect for my colleagues on this side of the aisle. And to Senator Dudycz, there was no need for him to come to try to defend him. So the words that he and I had, if he misinterpreted my words, I apologize for that. But that was not the intent. And perhaps...(microphone cutoff)...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Are you done, Senator Jones?

SENATOR JONES:

No. Again, maybe -- maybe that's the reason why the altercation might have occurred, but that was not my intent. So therefore, if any harm was caused, I want to apologize to them, if they felt that way, but that was not my intent.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Demuzio. Senator Demuzio, did you wish to be heard?

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

SENATOR DEMUZZIO:

I just wanted to make sure that this microphone was working.
Thank -- thank you, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

After that eloquence from Senator Jones, I'm sure it's working. Any -- the next bill. House Bill 1882. Senator Walsh. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1882.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Walsh.

SENATOR WALSH:

Thank you, Madam President and Members of the Senate. House Bill 1882 is the League of Financial Institutions bill. It amends the Illinois Savings and Loan Act of 1985 and the Savings Bank Act. It makes various changes to bring Illinois savings banks and savings and loan regulatory law in line with federal laws and regulations overseeing institutions of this type. And I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? The question is, shall House Bill 1882 pass. Those in favor, vote Aye. Those opposed will vote No. The voting is open. Have all those who wish voted? Have all those in favor who wish voted? Have all voted? Clerk -- Madam Secretary, take the record. On that question, there are 59 voting Aye, none voting No, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. House Bill 1894. Senator Syverson. Madam Secretary, will you please read the bill.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

ACTING SECRETARY HAWKER:

House Bill 1894.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Bill 1894 is a bill that we -- we addressed earlier in Senate Bill 681, which passed out 58 to 0. It just amends the Retail Credit Installment <sic> Act, bringing retail credit in line with the same rules as charge cards. I know of no opposition to it and would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Any further discussion? The question is, shall House Bill 1894 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wish? Madam Secretary, take the record. On that question, there are 57 voting Aye, none voting No, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. House Bill 1900. Senator Philip. Take that out of the record. House Bill 1967. Senator Maitland. Read the -- the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1967.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President and Members of the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Senate. House Bill 1967, as amended, creates the Illinois Violence Prevention Authority, to be chaired jointly by the Attorney General and the Director of the Department of -- of Public Health. The Authority will have, Madam President, the following responsibilities: Number one, to develop a statewide plan that incorporates public health and safety approaches to violence prevention; number two, to seek and receive violence prevention funds from private and public sources; number three, to distribute grants to community or statewide organizations that address violence prevention; and four, to provide technical assistance and training to assist with building the capacity of violence prevention organizations in -- in Illinois. This bill has been jointly worked on by -- by a number of groups. In -- in committee the other day, we did -- we did offer an amendment that created the funding mechanism with this through a Secretary of State special license plate fund. I know of no opposition to the bill. It's been very carefully worked on by a number of people. I -- I thank the individuals, Senator Raica, Senator Dunn, Senator Smith and others, who have joined in support of this bill and have joined as sponsors, and I would seek, Madam President, support of the Body.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Senator Jones. Are you just testing the mike? I'm sorry. Any further discussion? Hearing none -- Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Not a question, but maybe right now I could thank everybody for everything, and then that way we wouldn't have to thank anybody in the future.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

none, the question is, shall House Bill 1967 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Clerk, take the -- Secretary, take the record. On that question, there are 57 voting Aye, 1 voting Nay, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. House Bill 1969. Senator Madigan. Senator Madigan. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1969.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President, Members of the Senate. House Bill 1969, as amended, is a request of the Illinois CPA Society to clarify whether or not their profession comes under the Code of Civil Procedure insofar as punitive damages. It would set the amount of punitive damages in cases which -- where compensatory damages are awarded to three times the -- three times the amount of the compensatory damage. That's basically what the bill does. The only comments on the -- on the bill, as amended, dealt with whether or not it -- this was necessary - the Certified Public Accountants' Association believes that it is - and whether or not this bill should have been more properly a matter for the Judiciary Committee rather than the Insurance Committee. Other than that, I know of no opposition to the bill and would be glad to answer any questions on House Bill 1969, as amended.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Any further

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

discussion? Hearing none, the question is, shall House Bill 1969 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 49 voting Aye, 7 voting Nay, none voting Present. This bill, having received the required constitutional majority, is hereby declared passed. Senator Lauzen, for what purpose do you rise, sir?

SENATOR LAUZEN:

Thank you, Madam President. I'm not sure when the appropriate time is. I think I'm supposed to say this before the vote's taken, but as a practicing accountant, I have an apparent conflict of interest. I voted my conscience.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

It'll be noted, sir. Senator Walsh, for what purpose do you rise?

SENATOR WALSH:

Thank you, Madam President. I was away from my desk when House Bill 1967 was voted upon, but I just want the record to reflect that I would have voted Yes.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

It'll be so noted. Thank you. House Bill 2076. Senator Sieben. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2076.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Madam President. House Bill 2076, as amended, has thirteen different provisions in it, and rather than read each one

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

individually, I'll just indicate that the first six were initiatives by the State Board of Education, and then through Senate Amendments 1, 2, 4 and 5, we picked up various Senate bills that have already passed this Body and were hung up over in the House. There's no opposition to these. They've all had a good hearing in the Education Committee. There's agreement on them, and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Is there any further discussion? Any further discussion? Any further discussion? The question is, shall House Bill 2076 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 59 voting Aye, none voting No, none voting Present. This bill, having received the required constitutional majority, is hereby declared passed. House Bill 2177. Senator Madigan. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2177.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President and Members of the Senate. House Bill 2177, as amended, does several things. First of all, it amends the Downstate and Suburban Police Pension Article of the Pension Code to permit surviving spouses to remarry without the loss of benefits. It amends the Downstate Police and Fire Articles of the Pension Code to bring the State Statutes into compliance so that -- into compliance with the American Disabilities Act <sic>. It amends the Downstate Police and State

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Employees' of the -- Article of the Pension Code to authorize sheriffs' law enforcement employees to transfer credits under those Articles to the Illinois Municipal Retirement Fund. Would require application and payment of the difference in contributions plus interest, and it would allow downstate and suburban police and sheriffs to transfer time from local police pension funds to the Illinois Municipal Retirement Fund or the State Employees' System, or the other way. I know of no opposition to House Bill 2177, as amended, and would be glad to answer any questions on House Bill 2177, as amended.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Is there any -- is there any further discussion? Any further discussion? Any further discussion? Hearing none, the question is, shall House Bill 2177 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the record. On that question, there are 58 voting Aye, none voting No, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. House Bill 2226. Senator Cronin. Senator Cronin. Out of the record. House Bill 2240. Senator Madigan. Read the -- read the bill, Madam.

ACTING SECRETARY HAWKER:

House Bill 2240.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President and Members of the Senate. The committee amendment to House Bill 2240 becomes the bill and removes the language that was previously contained in House Bill

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

2240. As it stands right now, the language is almost exactly the same as what -- that was in Senate Bill 422 that passed this Chamber unanimously. The purpose of this amendment and this bill is to hold discussions over the summer so that we can create good legislation as far as board and care facilities in the State of Illinois and rules and regulations governing the same. I'd be glad to answer any questions on House Bill 2240, as amended.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Is there any discussion? Is there any discussion? Is there any discussion? Hearing none, the question is, shall House Bill 2240 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 59 voting Aye, none voting No, none voting Present. This bill, having received the required constitutional majority, is hereby declared passed. House Bill 2330. Senator Parker. Did you wish to -- recall this to 2nd Reading? Take it out of the record. We'll proceed. House Bill 2338. Senator Cronin. Out of the record. House Bill 2346. Senator Walsh. Read the bill, Madam Secretary. 2346.

ACTING SECRETARY HAWKER:

House Bill 2346.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Walsh.

SENATOR WALSH:

Thank you, Madam President and Members of the Senate. House Bill 2346 repeals the Pawnners Societies Act. Additionally, it makes regulatory amendments requested by the Department of Financial Institutions to the Sales Finance Agency Act by exempting savings banks and certain investment transaction by

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

State and national banks. Additionally, it amends the Financial Planning and Management Services Act by deleting obsolete gubernatorial appointment provisions. And finally, it amends the Consumer Installment Act by prohibiting licenses for locations outside of Illinois. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Any further discussion? Senator Butler.

SENATOR BUTLER:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Indicates he'll yield.

SENATOR BUTLER:

Senator, hasn't DFI always had the authority to allow Consumer Installment Loan Act licensees to charge borrowers for non-filing insurance?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Walsh.

SENATOR WALSH:

Yes, Senator, but House Bill 2346 codifies DFI's authority on this -- on this issue.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he'll yield.

SENATOR PALMER:

Senator, according to my analysis, this amendment and what it contains could lead to some risk, especially for low-income people, because it appears that there is an arrangement now between the finance company and the retailer where a customer

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

could be steered or could be -- end up paying a hidden fee. Could you comment on that, please?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Walsh.

SENATOR WALSH:

What hidden fee are you -- are you talking about, Senator?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Palmer.

SENATOR PALMER:

According to my analysis, it says there's a concern that a finance company that offers an inducement to a third party to refer borrowers to the finance company could lead to coercion. Lower-income persons who particularly rely upon certain credit arrangements when buying appliances, could be referred to particular finance companies and so forth and so on. And I am just wondering, if -- if the fee is paid by the finance company to the retailer or a third party, is this subject to the federal Truth in Lending Act.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Walsh. Senator Walsh.

SENATOR WALSH:

No, this is not subject to the federal Truth in Lending Act. This is totally misconstruing commercial paper.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Palmer. Are you done? Senator Parker.

SENATOR PARKER:

Thank you, Madam President. Will the...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker.

SENATOR PARKER:

Pardon me. My question was already asked. I was out of the room. Thank you.

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Any further discussion? Hearing none, the question is, shall House Bill 2346 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Madam Secretary. On that question, there are 48 voting Aye, 7 voting Nay, 3 voting Present. This bill, having received the required constitutional majority, is hereby declared passed. House Bill 2351. Senator Rauschenberger? Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 2351.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This -- this bill is -- again, follows our current practice of codifying after the administration and our unions have made agreements. This particular bill codifies -- or changes the Statutes to reflect the negotiated settlement between AFSCME and CMS, or the administration, on employee contribution for their group health insurance plan. It's supported by both the administration and by AFSCME, the union. It is noncontroversial, I think. I would request a favorable roll call.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Any further discussion? Hearing none, the question is, shall House Bill 2351 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Take the record, Madam Secretary. On that question,

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

there are 59 voting Aye, none voting No, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. House Bill 2370. Out of the record. House Bill 2403. Senator Rauschenberger. 2403. Out of the record. House Bill 2407. Senator Weaver. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2407.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator del Valle, for what purpose do you rise? Senator Weaver.

SENATOR WEAVER:

Thank you, Madam President and Members of the Senate. This would make changes in the Medical Center Commission <sic> Act. All the changes have been accepted by everyone involved: The county, the city, the University of Illinois, Rush Presbyterian. And if anybody has any questions, I'll be happy to try to answer them.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Senator del Valle.

SENATOR DEL VALLE:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Indicates he will yield.

SENATOR DEL VALLE:

Senator Weaver, in committee some concern was expressed about the quick-take provision in this bill that is good for six years. I requested from the Commission a list of the churches, because the bill does allow for the Commission to take churches. In the area there are several storefront churches, and I was given a list of the addresses. My question is: Does the bill ensure that

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

relocation assistance will be provided to not only the churches, but also the -- the residents -- the tenants of the buildings where the churches are located?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Weaver.

SENATOR WEAVER:

Yes, that's my intent, and that's been the practice in the past, to help relocate anyone where they've -- they've had to relocate. So, the quick-take is still in there.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator del Valle.

SENATOR DEL VALLE:

Well, I -- I read the language in the bill as being permissive. It says that they may provide assistance, and I understand that that's standard language, but I guess what I'm looking for is -- is an assurance that a real serious attempt will be made to provide that relocation assistance to everyone who needs it.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Weaver.

SENATOR WEAVER:

Well, that certainly has been their practice in the past, and I'm sure it will continue.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Petka. Senator Petka? Senator Collins, further discussion?

SENATOR COLLINS:

Yes. Thank you. Senator Weaver, I -- I will support your bill. I -- I did raise quite a few objections in the committee, and I think you said that I killed your bill in committee. But one of the representatives of that area has some concerns about the quick-take power, and also I had some concerns about the expansion

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

of -- of the authority of this Commission. In talking with some of the Members, I feel that we should be able to -- to sit down with the community people and work out, once the plan is fully developed, so that the community can, in fact, have some input into the planning. And if that is a commitment from the committee, I'm willing to go on and -- and support your bill at this particular time.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Weaver.

SENATOR WEAVER:

Well, certainly that will continue. They have held public hearings and worked with the community groups and everyone involved in -- in the boundaries of the Commission and the surrounding areas, and I -- I'm sure, Senator Collins, that will continue.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

WCIA requests permission to videotape. If there is no objection, permission is granted. Any further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I wholeheartedly support this piece of legislation, or 2407. It is my district, and I have been over several times to the -- to the institution. They are doing marvelous work with -- especially with young entrepreneurs who are going into business. It's a large area. It's a continued program. It's going to involve the people. It's involving many of our Black constituents, if you might want to say that, or your minorities, or et cetera. And it -- it is -- you cannot -- we, as human beings, cannot stay the hand of progress. Our world is growing; it's changing every day. And we have a firm group of people who are working over there, and they're doing a magnificent job. It's

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

going to involve many, many people and many, many jobs, and I wholeheartedly ask that all of our constituents here on the Floor support Senator Weaver in passing this piece of legislation.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, Senator Weaver, to close. On this question, shall House Bill 2407 pass, those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Madam Secretary, take the roll. On that question, there are 57 voting Aye, 1 voting Nay, none voting Present. This bill, having received the required constitutional majority, is hereby declared passed.

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR GEO-KARIS)

It would be appreciated if we could have a little more quiet. Senator Philip, for what purpose do you rise?

SENATOR PHILIP:

Just to announce the schedule. I know that some people are already going south and north already. That we are -- we'll probably finish 3rds today - one more to the end - and then do Non-concurrences so we get the paperwork over to the House, and then we'll adjourn and come back Sunday at 5. We will do some paperwork, and we'll do some final passage of bills Sunday at 5. So I'm suggesting that you're here Sunday and be here on time, please.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

Thank you, Senator Weaver -- I mean, Senator Philip. House Bill 2429. Senator Weaver.

SENATOR WEAVER:

I would like to notify the Membership that Rules will be meeting Sunday evening. So if any of you have amendments to file, let's get them filed today or the first thing Sunday evening so that we may get them out of Rules and act on them Sunday evening.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you, Senator Weaver. House Bill 2429. Senator Rauschenberger. Senator Rauschenberger? Out of the record. House Bill 2465. Senator Watson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2465.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Hold on just a minute, Senator Watson. Please give your attention to the gentleman who's going to read the bill -- give you the bill. Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President. This piece of legislation, House Bill 2465, does exactly what the Calendar says. It establishes a Welfare Reform Task Force. As you probably recall, most of you, we passed the welfare reform earlier this year. Embodied in that piece of legislation was the sunseting of the Aids to Family with Dependent Children Program on January 1st, 1999. This task force is to -- to meet and make suggestions on what possibly could be utilized for that replacement of the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

program. It's a nine-member task force. Six members appointed by the various Leaders; three members by the Governor. Be glad to answer any questions; otherwise, I'd appreciate the support from the Body.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Smith.

SENATOR SMITH:

May I just ask the -- the sponsor a question, please?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Indicates he will yield for a question.

SENATOR SMITH:

Senator Watson, I'd like to ask -- inquire: What is it this task force can do that the committee task force on welfare cannot -- that the Committee on Welfare cannot do?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Well, I guess you're -- you're speaking of the -- the Senate Committee on Public Health and Welfare. The -- the task force -- of course, a lot of concern that was addressed at that -- the time we passed the legislation was how were we going to replace the AFDC Program after it was sunsetted. The suggestion came forth, I think from both sides of the aisle, that a good way to do that would to establish a task force that could have hearings and -- and take public input and hopefully come up with some suggestions. So I think this was sort of a bipartisan approach to -- to solving the problem of what to do come January 1st, 1999, with the AFDC Program.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Smith.

SENATOR SMITH:

I have -- I have here on my analysis that the task force

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

created by House Bill 2465 is structured to have limited public input and that it does not provide equal appointment of members by the four Legislative Leaders. In fact, the Governor has more appointments than the House and the Senate Democratic Leaders. And moreover, the task force will be loosely structured, and as reported, its recommendations do not have to be considered by the Department, the Governor and the General Assembly. Is that something different, alternative or something like that?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Senator Smith, obviously we've not had good communication between the two of us. I know you must have some questions and concerns. I'll be glad to discuss this with you over the next few days, and I -- I would like to take this out of the record at this time.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Out of the record. House Bill 32 -- I'm sorry. Page 13 of today's Calendar is the Order of Secretary's Desk, Concurrence, Senate Bills. We're going to that Order for the purpose of not concurring. Senate Bill 75. Senator Butler? Madam Secretary.

ACTING SECRETARY HAWKER:

I move to non-concur with the House in the adoption of their Amendment No. 1 to Senate Bill 75.

Offered by Senator Butler.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler.

SENATOR BUTLER:

Thank you, Madam President. I move that we non-concur with Senate Bill 75 and ask that a conference be joined.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Is there any discussion? Hearing none, all those in favor,

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

please say -- signify by saying Aye. All opposed. In the opinion of the Chair, the Ayes have it. The motion carries. The Secretary shall so inform the House. On the bottom of page 15, Senate Bill 623. Senator Butler? 623? Out of the record. Senator Butler, for what purpose do you rise, sir?

SENATOR BUTLER:

I apologize, Madam President. I thought we were on Non-concurrences. I move we concur on Senate Bill 623.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

We are now on Non-concurrences, Senator Butler, and I had announced it earlier, sir. House Bill -- Senate Bill 1037, on Non-concurrences. Senator Madigan?

SENATOR MADIGAN:

Thank you, Madam President. I would move to non-concur with House Amendment No. 1 to Senate Bill 1037.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Madam Secretary, you have that bill there? And Senator Madigan moves to non-concur. Is there any discussion? Any discussion? Any discussion? Hearing none, all those in favor of non-concurring, say Aye. All opposed, say Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Is there anyone else who wishes to make a motion to non-concur on their bill? Seeing none, that, I believe, will conclude our business, except for resolutions on the Consent Calendar. Resolutions for Consent Calendar? Senator Demuzio.

SENATOR DEMUZIO:

Did I hear you say that our business was concluded and that...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Not quite.

SENATOR DEMUZIO:

Halfway?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 19, 1995

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

ACTING SECRETARY HAWKER:

There have been no objections filed, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Those opposed, say Nay. The opinion of the Chair, the motion -- Aye carries, and the resolutions are adopted. Senator Carroll, for what purpose do you rise, sir?

SENATOR CARROLL:

Besides to say hello to the President - hello, Madam President...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you.

SENATOR CARROLL:

An inquiry of the Chair. As we leave today, there'll be six Legislative Days left. We were just wondering what was happening with the budget of State government. We, on our side of the aisle, have been having wonderful negotiations on the budget. We just didn't know how yours were going and was wondering what was going on.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

I cannot answer you at this point. If there's any further business to come before the Senate? If not, Senator Philip moves the Senate stand adjourned till 5 p.m., Sunday, May 21. We are now adjourned.

MAY 19, 1995

HB-0003	THIRD READING	PAGE	7
HB-0036	RECALLED	PAGE	7
HB-0150	RECALLED	PAGE	8
HB-0182	THIRD READING	PAGE	10
HB-0238	SECOND READING	PAGE	3
HB-0241	THIRD READING	PAGE	13
HB-0258	THIRD READING	PAGE	24
HB-0270	THIRD READING	PAGE	25
HB-0314	THIRD READING	PAGE	30
HB-0340	RECALLED	PAGE	43
HB-0375	THIRD READING	PAGE	48
HB-0377	RECALLED	PAGE	55
HB-0412	THIRD READING	PAGE	58
HB-0473	THIRD READING	PAGE	59
HB-0505	RECALLED	PAGE	62
HB-0507	TABLED	PAGE	63
HB-0544	RECALLED	PAGE	63
HB-0686	THIRD READING	PAGE	72
HB-0823	THIRD READING	PAGE	76
HB-0913	THIRD READING	PAGE	80
HB-0929	RECALLED	PAGE	77
HB-0939	THIRD READING	PAGE	81
HB-0965	SECOND READING	PAGE	3
HB-0974	RECALLED	PAGE	81
HB-1069	RECALLED	PAGE	86
HB-1106	THIRD READING	PAGE	87
HB-1116	RECALLED	PAGE	99
HB-1149	THIRD READING	PAGE	99
HB-1202	SECOND READING	PAGE	3
HB-1212	RECALLED	PAGE	104
HB-1237	THIRD READING	PAGE	108
HB-1268	RECALLED	PAGE	105
HB-1270	SECOND READING	PAGE	5
HB-1319	THIRD READING	PAGE	107
HB-1596	THIRD READING	PAGE	110
HB-1608	SECOND READING	PAGE	4
HB-1633	THIRD READING	PAGE	111
HB-1741	THIRD READING	PAGE	112
HB-1787	THIRD READING	PAGE	113
HB-1787	OUT OF RECORD	PAGE	116
HB-1792	RECALLED	PAGE	119
HB-1833	THIRD READING	PAGE	116
HB-1853	SECOND READING	PAGE	4
HB-1869	THIRD READING	PAGE	120
HB-1882	THIRD READING	PAGE	125
HB-1894	THIRD READING	PAGE	125
HB-1967	THIRD READING	PAGE	126
HB-1967	OTHER	PAGE	129
HB-1969	THIRD READING	PAGE	128
HB-2076	THIRD READING	PAGE	129
HB-2177	THIRD READING	PAGE	130
HB-2240	THIRD READING	PAGE	131
HB-2251	SECOND READING	PAGE	4
HB-2251	OUT OF RECORD	PAGE	4
HB-2346	THIRD READING	PAGE	132
HB-2351	THIRD READING	PAGE	135
HB-2407	THIRD READING	PAGE	136
HB-2465	THIRD READING	PAGE	140
HB-2465	OUT OF RECORD	PAGE	142
SB-0075	NON-CONCURRENCE	PAGE	142
SB-0213	OTHER	PAGE	7
SB-0432	OTHER	PAGE	7
SB-1037	NON-CONCURRENCE	PAGE	143

REPORT: TIFLDAY
PAGE: 002

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
SENATE
DAILY TRANSCRIPTION OF DEBATE INDEX

96/09/11
16:18:36

MAY 19, 1995

SUBJECT MATTER

SENATE TO ORDER-PRESIDENT PHILIP	PAGE	1
PRAYER-PASTOR LOREN RASBURY	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
JOURNALS-POSTPONED	PAGE	1
COMMITTEE REPORTS	PAGE	1
INTRODUCTION OF GUEST-SENATOR MAITLAND	PAGE	4
GUEST SPEAKER-MOTHER OF THE YEAR RUTH POOLE	PAGE	5
CORRECTED COMMITTEE REPORT	PAGE	6
RESOLUTIONS CONSENT CALENDAR ADOPTED	PAGE	144
ADJOURNMENT	PAGE	144