

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

PRESIDENT PHILIP:

The regular Session of the 90th 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 Tom Radtke, Trinity Lutheran Church, Springfield, Illinois. Pastor Radtke.

PASTOR THOMAS RADTKE:

(Prayer by Pastor Thomas Radtke)

PRESIDENT PHILIP:

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

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

We've had a request from WCIA-Channel 3 to tape the proceedings and a request from the Register-Mail to photograph - still photos. Is leave granted? Leave is granted. Reading of the Journal.

SECRETARY HARRY:

Senate Journals of Wednesday, March 11th, and Thursday, March 12th, 1998.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

Mr. President, I move that the Journals just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT PHILIP:

Senator Butler moves to approve the Journal just read. There being no objections, so ordered. Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

Mr. President - I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bills 2295, 2315, 2411, 2424, 2446, 2474, 2492 and 2553 {sic} (2533).

All passed the House, March 19, 1998.

PRESIDENT PHILIP:

Senator Peterson, what purpose do you rise?

SENATOR PETERSON:

Thank you, Mr. President. I'd like to introduce a constituent of mine who lives in Barrington, Maria Rito, who is Miss Illinois American Preteen. And we'd like you to welcome her to the Illinois General Assembly and the Senate Chamber.

PRESIDENT PHILIP:

Will the Senate please recognize the Queen? Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Thank you, Mr. President. Like for the record to reflect that Senator Cullerton is not with us today, nor will he be here with us this week. He had a little operation last week, and so he's home recovering.

PRESIDENT PHILIP:

The -- the record will so indicate. I hope he's doing well. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, Senator Kathleen Parker will not be here, because there was a death in her family.

PRESIDENT PHILIP:

The record will so indicate. Messages.

SECRETARY HARRY:

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

A Message from the Secretary of State to the Secretary of the Senate, dated March 24th, 1998.

This office is forwarding herewith copies of the Democratic Legislative Committee's Notice of Vacancy existing in the office of Senator in the 90th General Assembly for the 51st Legislative District, as a result of the death of Penny Severns.

Also enclosed is the Democratic Legislative Committee's Certificate of Appointment of Kevin Kehoe, 1202 Pineview Court, Decatur, to the office of State Senator in the 51st Legislative District, along with his Oath of Office.

Yours truly, George H. Ryan, Secretary of State.

A Message from the Minority Leader, dated March 24th, 1998.

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

PRESIDENT PHILIP:

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 2295, offered by Senator Maitland.

(Secretary reads title of bill)

House Bill 2315, by Senator Sieben.

(Secretary reads title of bill)

Senator Mahar offers House Bill 2411.

(Secretary reads title of bill)

House Bill 2446, by Senator Maitland.

(Secretary reads title of bill)

And House Bill 2492, by Senator Sieben.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT PHILIP:

May I have your attention for one moment? And remind

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

everybody that April 2nd is the last day for Senate bills to pass the Senate. With that in mind, I hope that anybody that had any Floor amendments would certainly have them filed with the Clerk as soon as possible. Quite frankly, I would like to get out April 1st, which would be April Fools' Day, which might be apropos in some cases. But I just want to make that -- that note. And we're going to do 2nd and 3rd Readings today. We will do 2nd and 3rd Readings tomorrow. We only have a hundred and seventy-four bills. We ought to move 'em on and we might even get lucky this year and might adjourn before the adjournment. And I'm certainly for that. So, with that in mind, we will go to Senate Bills 2nd Reading.

PRESIDING OFFICER: (SENATOR WATSON)

We're on page 2 of the Calendar. Regular Calendar, page 2. Top of page 2. Senate Bills 2nd Reading. Senate Bill 743. Senator Fawell. Out of the record. Senator Dillard, on Senate Bill 1028. Senator Kirk Dillard. Out of the record. Senate Bill 1210. Senator Syverson. Senator Dave Syverson in the house? Out of the record. Senate Bill 1215. Senator Carroll. Senator Howard Carroll. Out of the record. Senate Bill 1223. Senator Jones. Senator Emil Jones. Out of the record. Okay. Very good. He'd like to have the bill called, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1223.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 1240. Senator Molaro. Senator Bob Molaro. Out of the record. Senator Fawell, on Senate Bill 1259. Out of the record. Senator Maitland, on Senate Bill 1265. Senator Maitland. Out of the record. Senator Mahar, on 1288. Read the bill, Mr. Secretary.

SECRETARY HARRY:

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

Senate Bill 1288.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Dudycz, on Senate Bill 1289. Out of the record. Senator Peterson. 1290. Out of the record. Senator Stan Weaver. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1292.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Farley, on Senate Bill 1295. Senator Farley. Out of the Record. Senate Bill 1305. Senator Peterson. Senator Peterson. 1305. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1305.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No -- no further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Thank you. 3rd Reading. Senator Mahar, on Senate Bill 1306. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1306.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Peterson, on Senate Bill -- 1313. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1313.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

Senate Bill 1315. Senator Radogno. 3rd Reading on Senate Bill 1313. Senator -- Senate Bill 1315. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1315.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health and

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

Welfare adopted one amendment.

PRESIDING OFFICER: (SENATOR WATSON)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Karpziel. Senate Bill 1326. Senator Karpziel. Out of the record. Senator Bowles, on 1328. Evelyn Bowles. Out of the record. Senator Dudycz. 1335. Senator Dudycz. Out of the record. Senate Bill 1339. Senator Karpziel. Out of the record. Senate Bill 1347. Senator Sieben. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1347.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 1349. Senator Peterson. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1349.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 1350. Senator Myers. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1350.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 1356. Senator Tom Walsh. Senator Tom Walsh. Out of the record. Can we hold it down a little bit? We're having trouble hearing up here in front. Can we hold it down? Maybe take the conferences off the Floor. Thank you. Senate Bill 1364. Senator Klemm. Out of the record. Senate Bill 1365. Senator Bowles. Senator Evelyn Bowles. Out of the record. Senate Bill 1370. Senator Garcia. Senator Garcia on the Floor? Out of the record. Senate Bill 1372. Senator Syverson. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1372.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health and Welfare adopted one amendment.

PRESIDING OFFICER: (SENATOR WATSON)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

3rd Reading. Senate Bill 1387. Senator Mahar. Senator Mahar. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1387.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Maitland, on Senate Bill 1420. Senator John Maitland. Out of the record. Senate Bill 1424. Senator Mahar. Senator Mahar. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1424.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 1426. Senator Bomke. Senator Bomke on the Floor? Out of the record. Senate Bill 1428. Senator Luechtefeld. Out of the record. Moving on to page 4. Top of page 4. Senate Bill 1430. Senator Parker. Out of the record. Senator Syverson wishes the bill to be called, a hyphenated cosponsor. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1430.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health and Welfare adopted one amendment.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

PRESIDING OFFICER: (SENATOR WATSON)

Any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 1451. Senator Maitland. Senator Maitland. Out of the record. Senate Bill 1455. Senator Sieben. Out of the record. Senate Bill 1458. Senator Stan Weaver. Out of the record. Senate Bill 1463. Senator Mahar. Out of the record. Senate Bill 1475. Senator Karpiel. Senator Karpiel. Doris Karpiel, would you like Senate Bill 1475 called? Out of the record. Senate Bill 1499. Senator Donahue. Senator Donahue. Out of the record. Senate Bill 1500. Senator Luechtefeld. Out of the record. Senate Bill 1427 {sic} (1527). Senator Link. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1527.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

Any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 1528. Senator O'Malley. Pat O'Malley. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1528.

(Secretary reads title of bill)

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

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

PRESIDING OFFICER: (SENATOR WATSON)

Any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 1544. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1544.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 1555. Senator Maitland. Senator John Maitland. Out of the record. Senate Bill 1557. Senator Cronin. Dan Cronin. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1557.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 1561. Senator Cronin. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1561.

(Secretary reads title of bill)

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

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 1565. With leave of the Body, we'd like to go back to that Order of Business. Leave is granted. Senate Bill 1566. Senator Radogno. Out of the record. Top of page 5. Senate Bill 1567. Senator Mahar. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1567.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 1568. Senator Peterson. 1568, Senator. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1568.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 1585. Senator Karpiel. Out of the record. Senate Bill 1591. Senator Parker. Senator Hawkinson, would you like to have -- you're a hyphenated cosponsor, sir, of that bill of Senator Parker's. Out of the record. Senate Bill 1592. Senator Maitland. Senator Maitland. Out of the record. Senate Bill 1593. Senator Karpiel. Out of the record. Senate Bill 1594. Senator Karpiel. Out of the record. Senate Bill

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

1602. Senator Molaro. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1602.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 1610. Senator O'Malley. Senator O'Malley. Out of the record. Senate Bill 1617. Senator Molaro. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1617.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 1622. Senator Judy Myers. Senator Myers on the Floor? Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1622.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Jones. Senator Emil Jones, for what purpose do you rise, sir?

SENATOR JONES:

Yeah. Personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

Yes. Please state your point.

SENATOR JONES:

Yeah. I'd like the Members of the Body to welcome our newest Member, an attorney from Decatur, who is filling the vacancy by our esteemed colleague, Penny Severns. I want you to give a warm welcome to the 51st District Representative, Kevin Kehoe.

PRESIDING OFFICER: (SENATOR WATSON)

Well, welcome to the Senate, Kevin. And the major question is, sir: Do you play softball? Senate Bill 1625. Senator Burzynski. Out of the record. Senate Bill 1628. Senator Cullerton. Out of the record. Senate Bill 1633. Senator Burzynski. Out of the record. Senate Bill 1664. Senator Cronin. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1664.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

Senate Bill -- I beg your pardon. 3rd Reading. Senate Bill 1698. Senator Shaw. Senator Shaw. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1698.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

3rd Reading. Senate Bill 1703. Senator Fawell. Out of the record. Senate Bill 1707. Senator Sieben. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

...Bill 1707.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Agriculture and Conservation adopted one amendment.

PRESIDING OFFICER: (SENATOR WATSON)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 1709. Tom Walsh. Senator Tom Walsh. Out of the record. Senate Bill 1750. Senator Lauzen. Is the Comptroller on the Floor? Senate Bill 1756. Senator Bowles. Senator Evelyn Bowles. Out of the record. Senate Bill 1833. Senator Syverson. Out of the record. Senate Bill 1834. Senator Syverson. Out of the record. Senate Bill 1838. Senator Klemm. Senator Dick Klemm. Senator Klemm in the center aisle there. Sir, you've got Senate Bill 1838. Out of the record. Senate Bill 1840. Senator Rauschenberger. Senator Rauschenberger. Out of the record. Senator Lauzen, on Senate Bill 1844. Out of the record. Senate Bill 1853. Senator Trotter. Out of the record. Senate Bill 1854. Senator Mahar. Bill Mahar. Out of the record. Senate Bill 1860. Senator Butler. Out of the record. Senate Bill 1867. Senator Klemm. 1867, sir. Out of the record. Senate Bill 1889. Senator Cronin. Dan Cronin. Senate Bill 1889. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1889.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Karpel, on Senate Bill 1895. Senator Karpel. Out of the record. Senate Bill 1896. Senator Philip. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1896.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate Bill 1897. Senator Philip. Please read the bill.

SECRETARY HARRY:

Senate Bill 1897.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. We had leave to return to Senate Bill 1565 on page 4. Senator Clayborne. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1565.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Local Government and Elections -- or, the Committee... Committee on Revenue adopted one amendment, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

3rd Reading. Intention of the Chair to go to 3rd Reading. So we would prefer to have the Senators in their chair, eagerly awaiting the call of their bill, prepared to debate and carry on. We will go to page 8 of the Calendar. That's intention to go to page 8 of the Calendar. Senate Bills 3rd Reading. We're going to start where we left off on March 22nd at Senate Bill 1282, and that'll be Senator Weaver who's going to lead it off. That's where we'll begin, but first we have Committee Reports. Mr. Secretary.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Committee on Environment and Energy - Senate Amendment 2 to Senate Bill 1265; Committee on Judiciary was referred Senate Amendment 2 to Senate Bill 1028, Amendment 1 to Senate Bill 1426, Amendment 1 to Senate Bill 1428 and Amendment 1 to Senate Bill 1628; referred to the Committee on Revenue - Senate Amendment 1 to Senate Bill 1458, Amendment 1 to Senate Bill 1568, Amendment 1 to Senate Bill 1867 and Amendments 2 and 3 to House Bill 533; to the Committee on Transportation - Senate Amendment 2 to Senate Bill 1364; and Be Approved for Consideration - Senate Amendment 1 to Senate Bill 1222, Amendment 2 to Senate Bill 1289 and Amendment 1 to Senate Bill 1420.

PRESIDING OFFICER: (SENATOR WATSON)

It was previously mentioned we are on page 8. We're on 3rd Reading. So we would like for you to take your conferences off the Floor. We maybe were a little lax of that during 2nd Reading, but this is 3rd Reading, final passage. Please take your conferences off the Floor. We'd like to have you in your seats. Look at the Calendar, know where your bill is, and be prepared to call it, if you would. Senator Weaver, on Senate Bill 1282. Mr. Secretary, please read the bill.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

SECRETARY HARRY:

Senate Bill 1282.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senate Bill 1282 amends the Sanitary District Act of 1917 to increase the borrowing authority. Under current law, these sanitary districts may borrow up to ten million for a repayment period of not more than twenty years. This bill would increase that limit to twenty-five million. I know of no objection. It's been a good way to finance small -- smaller improvements in sanitary districts, and I'd appreciate your favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1282 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 45 voting Yes, 8 voting No, no voting Present. Senate Bill 1282, having received the required constitutional majority, is declared passed. Senate Bill 1286. Senator Rauschenberger. Please read the bill, Mr. Secretary. Before he reads it, we'd like, one more time, to ask you to sit in your chairs, pay attention, take your conferences off the Floor so that we can have your full attention. Senator Rauschenberger. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1286.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. In the distant past, after the Great Chicago Fire destroyed all the records for property in Chicago, a system was set up to reestablish the proper boundaries as they reconstructed the great City of Chicago. That -- it's a Torrens system in -- in Chicago. It's the only place in the State we use a Torrens system. Along with that, as property transferred, a small fund was set aside, back nearly a hundred years ago, that was designed to insure for problems in -- in correcting title or determining boundaries in the future. Now, over the first forty or fifty years of the system, a great deal of money was -- was released from that fund to -- to solve problems of reestablishing boundary lines. That same system is still in place today and, in fact, is -- it continues to accrue a substantial amount of money in -- in -- that's held in trust by the County Treasurer in Cook County, Illinois. Over the last four or five years, the -- the -- the total amount that's been paid out of this indemnity fund is about forty-five thousand dollars. The fund is today almost twenty {sic} million dollars. As an initiative of both concerned advocates in Chicago and the Illinois Realtors Association, I'm carrying a bill that will take a portion of these funds and -- and give it to the Cook County Board to set up a discretionary program - this is not a mandate; it's discretionary to the Cook County Board - to permit them to establish a lead abatement program in Cook County. The -- the only property that would qualify would be residential property. The idea, as -- as we all probably saw two weeks ago when we tragically lost another child to -- to lead paint ingestion, is we still have a lot of important housing units in Chicago that still have lead paint on the inside that children

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

have access to and can ingest. Lead paint continues to be one of the single biggest problems we have in the urban area of Chicago. This program really takes -- takes money that was raised from property owners in real estate transactions and focuses that money on a real estate problem. It has the support of the Illinois Realtors Association. Very, very wide support of the advocates. It was editorialized positively by both the Chicago Sun-Times and the Chicago Tribune. The Cook County Board has not taken a position on the bill yet. In fact, we've tried a couple of times to meet with the President of the Cook County Board. Since it is not a mandated program, rather it's a discretionary program that they get to design and set up, we feel confident that we should send this bill to the House. If there's further amendments that the Cook County Board would like to see, we'd be very happy to entertain them in the House process. But this is a good bill. It's good for children. It's supported by the property holders who have -- who have paid into the Torrens Fund. I'd appreciate its favorable consideration.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. I agree with the sponsor of the bill. This is a good idea. The County is working on some other initiatives right now that they can be using that thirty million dollars for. One, of course, is they're looking at -- in trying to rehabbing the single-room occupancy homes that are there, trying to create buildings for those individuals who are homeless. So there's a variety of -- of reasons and a variety of ways that these dollars can be spent, but the one that has been outlined by Senator Rauschenberger certainly is a good idea. It is, as he said, not a mandate, and I ask every Member on this side of the aisle to vote for its passage.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

PRESIDING OFFICER: (SENATOR WATSON)

Any other discussion? If not, the question is, shall Senate Bill 1286 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 53 voting Yes, no voting No, no voting Present. Senate Bill 1286, having received the required constitutional majority, is declared passed. Senate Bill 1291. Out of the record. Senate Bill 1293. Senator Fawell. Senator Bev Fawell. Out of the record. Senate Bill 1307. Senator Klemm. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1307.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. Senate Bill 1307 amends the Metropolitan Water Reclamation District Act. Adds a few small parcels in northwest Cook County into the District. There's no opposition. The District is willing to accept this property, and I do ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1307 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 voting Yes, no voting No, no voting Present. Senate Bill 1307, having received the constitutional majority, is declared passed. Senate Bill 1308. Senator Philip. Senator Pate Philip. Out of the record.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

Senator Luechtefeld, on Senate Bill 1324. Out of the record. Senate Bill 1331. Senator Fawell. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1331.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is a bill that we actually passed last year and it flew out of the House something like 54 to nothing, and then went over to the -- I mean, it passed out of the Senate and it passed out of the House. There was an amendatory veto to it. Basically what the bill is trying to take care of is a situation. Little town of Warrenville originally put a tax on that would take care of their retarded citizens and allow them to join a -- an association. Warrenville did not have a park district at the time. Everybody else, all the other cities and villages in the -- in the area, had park districts. Warrenville didn't want their retarded citizens to lose out. So, in effect, what they did was they levied the tax. They would now like to transfer the tax to -- to the newly formed park district for them to collect. It's not a tax increase. In fact, it's a tax reduction for about a hundred and fifty homes that have been caught because they are in -- within the boundaries of Warrenville and also within the boundaries of the West Chicago Park District. So they're actually, right now, having to pay this tax twice. I would appreciate an Aye vote and be willing to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Discussion? Senator Jacobs.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield, Senator Jacobs.

SENATOR JACOBS:

Senator, I know that in many of the areas we have had --  
imposed tax caps and people have imposed the tax caps on  
themselves, in many of the cases. Is this another attempt to get  
around the tax cap laws?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell.

SENATOR FAWELL:

No. Actually, in fact, the amendatory veto and this -- the  
language of the amendatory veto is included within this bill now.  
Took care of that situation.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jacobs.

SENATOR JACOBS:

Yeah. Just one more question. Also, there was some concern  
as to what -- with the transfer and the merging of the -- of the  
districts, as to whether there would be double taxation. Will  
there be any double taxation in this bill?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell.

SENATOR FAWELL:

No. In fact, it will eliminate double taxations for  
approximately a hundred and fifty homes.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. I'd like to ask the sponsor a

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

question, if I might.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates she'll yield, Senator Demuzio.

SENATOR DEMUZIO:

Senator, I notice that Senator Fitzgerald didn't vote for this bill in committee. Is that one of those bills he was talking about, all that tax stuff that he was going through in the primary? Should we -- should be leery of this bill? Well, I don't want to be voting for increases in taxes. I mean -- Peter didn't vote for your bill, so what's -- what's up?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell.

SENATOR FAWELL:

I believe Peter was absent at that point. No, it is not a tax increase. It's merely a transfer of the tax.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio.

SENATOR DEMUZIO:

So you're saying that if Peter had been there, he would have voted for your bill. Is that what you're saying?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell.

SENATOR FAWELL:

Sure, he would have.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR FAWELL:

I just request an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Question is, shall Senate Bill 1331 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?

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

Have all voted who wish? Take the record. On that question, there are 42 voting Yes, 11 voting No, no voting Present. Senate Bill 1331, having received the required constitutional majority, is declared passed. We have a request from the Illinois State Board of Education. They would like to video the proceedings. We do have a special guest that we would like to certainly welcome to the Illinois Senate, and we'll turn the microphone over to Senator Cronin for the purposes of an introduction and a presentation.

SENATOR CRONIN:

Thank you very much, Ladies and Gentlemen of the Senate, colleagues. I have the distinct pleasure and honor of introducing a very famous person, who stands up here on my right, to you. I do this because Kathy Parker, unfortunately, has a death in the family and she couldn't be here, so I guess I -- I lucked out. But in any event, on behalf of Senator Parker, who represents Ms. Kate Shindle's hometown, and Senator Geo-Karis, I have with me -- or we are joined by Miss America Kate Shindle, who travels twenty thousand miles a month on a national speaking tour entitled, "On the Way to a Cure: Preventing HIV Transmission in America." During her year of service - she has a year of service as Miss America - she is choosing to direct the Miss America spotlight away from herself and toward the critical need for HIV prevention. Prior to becoming Miss America, Kate was a senior theatre and sociology major at Northwestern University of Illinois -- Northwestern University in Illinois. Where else would it be. Because as a fellow Wildcat, I'm proud that Kate Shindle also is a -- is a Wildcat. She volunteered for the Chicago Test Positive Aware Network. She was recently named honorary board member of the AIDS Policy Center for Children, Youth and Families. She has also been honored by the Ryan White Foundation, as you all may recall the Ryan White tragedy, and the (Olender) Foundation as a role model for their 1988 {sic} (1998) work. She has also worked

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

with the NAMES Project. And since launching her nationwide initiative from Capitol Hill last fall, she has been crisscrossing the country educating and enlightening diverse audiences about the need to fight the spread of this deadly epidemic. Ladies and Gentlemen, I introduce to you our friend from Illinois, from Evanston, from Northwestern University Wildcats, Miss America Kate Shindle.

MISS AMERICA 1998 KATE SHINDLE:

(Remarks by Miss America 1998 Kate Shindle)

SENATOR GEO-KARIS:

Miss America Kate Shindle, in Senate recognition, the Illinois General -- of the -- Illinois Senate of the 90th General Assembly of the State of Illinois, we acknowledge you, Kate Shindle, Miss America 1998, for recognition of your tireless work in the area of HIV/AIDS prevention through your nationwide education initiative and we join you in the commemoration of the effort, dedication and hard work that led to success and further express ourselves and our best wishes for personal happiness and professional achievement. This was offered by Senator Kathleen Parker, and we're attesting all of us with it, and signed by the President of the Senate, James "Pate" Philip, attested by Jim Harry, Secretary of the Senate. You're now numbered 90-1765. Your day today, March 24, 1998. Congratulations. We're proud of you.

SENATOR BERMAN:

Kate, as -- as one of the two Senators that represents Evanston, Kathy Parker and myself, we take great pleasure in making this presentation to you. It's from the Governor. Signed by Jim Edgar, as our Governor, and by George Ryan, as our Secretary of State. I will not read it all. I will let you do that tonight. But we appreciate the great work that you're doing. We're very proud that you are a great citizen of the State of Illinois. Congratulations.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

PRESIDING OFFICER: (SENATOR WATSON)

We are back on page 8. Senate Bills 3rd Reading. Senate Bill 1338. Senator O'Malley. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1338.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Mr. President, I was seeking recognition before presenting the bill to welcome one of our former colleagues, who happens to be my constituent, Senator Dick Kelly, who is here. If we could give him a warm welcome, and...

PRESIDING OFFICER: (SENATOR WATSON)

Coach Kelly. Welcome back. We've done well in your absence, sir. Now would you like to proceed, Senator, on Senate Bill 1338? The bill was read. Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Senate Bill 1338 makes changes to provisions governing the annual grant funding for community colleges that will enable the Illinois Community College Board to disburse the grants in amounts up to the level of appropriations. In the past, the -- the Illinois Community College Board has had to pass a substantive bill each year changing the level of grants to match the appropriation. These bills were referred to as the community college rate bills. Last year the General Assembly passed Senate Bill 529, which is now law, which attempted to preclude the need for future bills and instead give the College Board the flexibility to distribute grants based on the appropriation level. This bill only further clarifies the provisions of Senate Bill 529. I'd be happy to answers questions

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

if there are any...

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1338 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 54 voting Yes, no voting No, no voting Present. Senate Bill 1338, having received the required constitutional majority, is declared passed. Senator Luechtefeld, for what purpose do you rise, sir?

SENATOR LUECHTEFELD:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

Yes. Please state your point.

SENATOR LUECHTEFELD:

Over on the Democratic -- behind the Democratic group in the balcony are two people from my district, the Township Supervisor from Freeburg, Wayne Forcade, and also Paul Lugge. Would you give them a welcome, please? And if they'd stand. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Yes. Please stand. Our guests in the gallery, welcome, to township officials. Obviously, we also have in the gallery a large group of 4-H'ers, I believe. And we'd like to welcome you here to the Senate. Would all of you please stand and rise? And thanks for the lunch, by the way. 4-H Illinois. Senator Hendon, for what purpose do you rise, sir?

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR WATSON)

State your point, Senator.

SENATOR HENDON:

In the back of the Democratic side, an Honorary Page is here

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

today who I helped raise from birth, a young lady, Toni Yarrington. Let's give her a hand.

PRESIDING OFFICER: (SENATOR WATSON)

Welcome to Springfield, Toni. Senator Shaw, for what purpose do you rise, sir?

SENATOR SHAW:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

State your point, Senator.

SENATOR SHAW:

We have a former Member -- distinguished Member of the Senate, who is now the Township Supervisor, Dick Kelly, right down the center aisle here. Welcome...

PRESIDING OFFICER: (SENATOR WATSON)

Well, Dick Kelly gets a doubleheader today. Good to -- good to -- see you again, Dick. Welcome back. Senate Bill 1380. Senator Cullerton. Out of the record. Senate Bill 1383. Senator Trotter. Please read the bill, Mr. Secretary -- Madam Secretary. Excuse me.

ACTING SECRETARY HAWKER:

Senate Bill 1383.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President and Members of the General Assembly -- of the Senate. Senate Bill 1383 amends the Civil Administrative (Code) for prostate and -- creates a prostate and cancer -- testicular cancer Act {sic}. It requires the Department of Public Health to conduct a public education program to promote the awareness and early detection of prostate and testicular

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

cancer, much as they do with the breast cancer program now nationally. Prostate cancer is one of the most common cancers in American men, including skin cancer. Prostate cancer is the second-leading cause of death in middle-aged men and -- and older -- and older men. They have found that, one, that prostate cancer can be cured if, in fact, it can be caught early. Right now, in -- in America, we have eight hundred thousand to one million American men living with this disease. One hundred and eighty-four thousand cases are expected to be diagnosed this year. This is a cancer that can be contained and this awareness program is the first step in -- in doing so, and I would like to see passage of this initiative.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

SENATOR HENDON:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Hendon.

SENATOR HENDON:

Senator Trotter, I'm sure your motivations are admirable and all of that, but could you explain to this Body the costs of this program? Is this one of these add-ons that Governor Edgar is -- is so adamantly opposed to?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

Right now, there are dollars coming from the federal government and it is for this -- this project. If, in fact, the dollars would not be there in years to come, this becomes a permissive piece of legislation.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hendon.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

SENATOR HENDON:

I see something in here about testicular cancer in -- in the language of this bill. Can you expound on that a bit for us, those of us who may not have as much knowledge as -- as you do because of your wealth in the health area, why this is important?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

Senator Hendon, it's where I'm going to kick you if you don't leave me alone.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Smith. Senator Smith.

SENATOR SMITH:

Thank you, Mr. Chairman, Ladies and Gentlemen of the Senate. I merely stand to ask -- in support of the -- of the legislation, 1383, and ask that we all give our ear to this appeal, and let us all vote for it, because it is a very serious, a very needy thing at this particular time. Thank you, sir.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of -- of the Body. I -- I noticed that people are laughing about this. I would hope that the other side of the aisle is going to also support this legislation, and it is very serious. It is personal to me. Last year, less than six months, I've lost two members of my family, an uncle and a first cousin, and right now my brother's life is hanging in the balance with prostate cancer. Two other members of my family are also affected, and this is very important, that we be about the business of notifying the community the significance and importance of early screening and detection of prostate cancer, because the research has been there and it has been proven

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

that early detection -- it can be treated and prevented. And it's something that we need to do. This bill is very important. And I sure wish, before this had happened in my family, that someone would have passed this kind of legislation so that they can -- been more aware and got screened before it was too late. I would ask for an Aye vote, and I'd like to also be joined as a hyphenated cosponsor to this piece of legislation.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR TROTTER:

The purpose of this bill is to reduce morbidity and mortality among men relative to prostate and testicular cancer, and I would just like to see its passage.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1383 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Yes, no voting No, no voting Present. Senate Bill 1383, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Trotter, on Senate Bill 1384. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1384.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Madam President. Senate Bill 1384, as amended, deals with child abuse reports. It authorizes a child

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

abuse and neglect tracking system, a check for any child care provider who is exempted from being licensed but is caring for subsidized children. It also requires the Department of Human Services to determine by rule which payment to an unlicensed child care provider may be withheld if evidence of abuse and neglect against the provider in the child abuse and neglect Central Register.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1384 pass. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. Senate Bill 1384, having received the required constitutional majority, is declared passed. Senator Walsh, for what purpose do you rise?

SENATOR L. WALSH:

For the point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR L. WALSH:

Today we have two members of township government from my district, from Lockport Township, Township Trustees Herman Alberico and Percy Conway. I would like to welcome them to Springfield.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you please rise and be recognized by the Illinois Senate? Welcome to Springfield. Senator Trotter, on Senate Bill 1386. Out of the record. Senator Hawkinson, on Senate Bill 1425. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1425.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President, Members of the Senate. This bill reenacts the Illinois Truth-In-Sentencing Statute. We're doing this in response to the Fourth Appellate District decision, finding that the current Truth-In-Sentencing Act, at least at the time enacted, violated the single-subject rule. While we remain hopeful that this will be reversed before the Illinois Supreme Court, we felt that it was prudent, and at the urging of the Illinois Attorney General and others, we put forth this legislation to reenact the Illinois Truth-In-Sentencing law. It's in the same form as the current Truth-In-Sentencing Act.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 1425 pass. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. Senate Bill 1425, having received the required constitutional majority, is declared passed. Permission to videotape from WAND-Channel 17. Is leave granted? Leave is granted. Senator Radogno, on Senate Bill 1427. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1427.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Radogno.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

SENATOR RADOGNO:

Thank you. This bill was initiated by a local police chief who was alarmed at the availability of cleverly disguised weapons that could easily be brought into schools and parks and other high-risk situations. So this legislation does two things: It increases the penalties for certain types of weapons in and near schools, public housing properties, parks and courthouses; and secondly, it allows the courts to impose an enhanced sentence on offenders who are convicted of using weapons that are not readily distinguishable as the weapons that are enumerated in this bill. And I would be happy to answer any questions and ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1427 pass. All those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 1427, having received the required constitutional majority, is declared passed. The Daily Herald requests permission to take still photos for their paper. Is there leave granted? Leave is granted. Senator Hawkinson, on Senate Bill 1432. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1432.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. I introduced this bill at the request of a constituent. It amends the section dealing with

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

treble damages that are recoverable by a merchant when there's been a bad check written. And I -- while I fully support that law, what this bill does is provide that notice should be given to the person who owes the money so that they know that they -- by paying the amount of the check, they can avoid having to go to court and pay further court costs and triple damages. This simply provides notice. It's a warning. Pay up or you could face these consequences. It's supported by the Retail Merchants. And I know of no opposition and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Is there any discussion? Seeing none, the question is, shall Senate Bill 1432 pass. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. Senate Bill 1432, having received the required constitutional majority, is declared passed. Senator Philip, on Senate Bill 1446. Out of the record. Senator O'Malley, on Senate Bill 1471. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1471.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Could we have your attention, please? Senator O'Malley, on Senate Bill 1471.

SENATOR O'MALLEY:

Thank you, Madam President and Members of the Senate. Senate Bill 1471 amends the Code of Corrections prohibiting supervision for drivers as an uninsured motorist for a second or subsequent time. It requires the defendant to file proof of insurance with the Secretary of State to receive supervision on even the first

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

offense. Under this bill, a new section is created which limits court supervision for driving without insurance to once per lifetime. In addition, the bill directs the court to impose, as a condition of court supervision for driving without insurance, the requirement that the offender file a written certificate of insurance coverage by an authorized business, stating that the offender is validly covered in compliance with the Illinois Vehicle Code. I'd be happy to answer any questions you may have.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Molaro.

SENATOR MOLARO:

Yes. Thank you, Madam Chairman. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Molaro.

SENATOR MOLARO:

I could see we -- we passed a ban about supervision once in a lifetime for DUI, which is obviously very serious. Why, we're taking away judicial discretion obviously, because under current law the judge can't give supervision a second time within a lifetime. What would be the overriding public good to take away judicial discretion when you have a judge that's sitting there, he listens to all the facts that are -- that are given to him, you have the State's Attorneys working very hard to make sure that the judge has all the facts of the case. And if a judge, duly elected, sitting there, decides that supervision is in order, why should the General Assembly -- what's our overriding reason? Maybe I could see it in DUIs, even though I don't like that. What's the overriding reason here, besides making sure that -- well, what's the reason?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

Thank you, Senator Molaro. This initiative was brought to my attention by a young municipal attorney who is a prosecutor for municipalities throughout the southwestern suburban area. His name is Patrick Burns. He -- he brought it to our attention March, 1997, in writing. We worked, through the staff, to consider his -- his suggestions and concerns, and I think that his letter expressed very well what the concerns were, and then he came down and actually testified in committee and talked about it as well, Senator. From a practical point of view, what he has experienced and what he testified to is that the courts, with their discretion, are tending to allow people who are, in fact, uninsured to come in with proof of as little as one month certificate of insurance - in other words, their certificate will be in effect for one month - in which case -- that that's their way of getting around it, and then the judges go ahead and allow these -- these folks to -- actually get off of -- of the citation that has been issued against them. And then on top of that, Senator, what he's indicated to me is that, on occasions, these become chronic offenders. These people, they see them in court again. So the intent of the original law was to make sure that people are driving with insurance, and so that's the overwhelming, I believe, compelling argument in favor of the legislation.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR O'MALLEY:

Mr. President, I'd just appreciate the support of the Senate.

PRESIDING OFFICER: (SENATOR WATSON)

Question is, shall Senate Bill 1471 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? ...all voted who wish? Take the record. On that question, there are 53 voting Yes, no voting

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

No, 1 voting Present. Senate Bill 1471, having received the required constitutional majority, is declared passed. Senate Bill 1473. Senator Donahue. Senator Donahue. Out of the record. Senator Philip. 1491. Out of the record. Senator Geo-Karis. Senate Bill 1505. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1505.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill amends Section 115-10 of the Code of Criminal Procedure to clarify the intent of the General Assembly, and this is an initiative of the Illinois Coalition Against Sexual Assault to resolve the concerns of the Supreme Court of Illinois in its interpretation of the child hearsay statute. In the case of People versus Holloway, the court expressed its confusion about the intent of the General Assembly in enacting the child hearsay provisions found in Section 115-10 of the Code of Criminal Procedure. This bill simply clarifies the original intent of the General Assembly and -- and there was a committee amendment that amended the bill so that the hearsay statements are made -- clarifying that the hearsay statements made by the victim and by stating that the hearsay statement can only be admitted if the statement was originally made about an incident which occurred prior to the victim's thirteenth birthday -- birthday and that the statement was actually made before the victim's thirteenth birthday, even if the trial occurs after the victim's thirteenth birthday. And I ask for favorable consideration.

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

Is there any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1505 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 54 voting Yes, no voting No, no voting Present. Senate Bill 1505, having received the required constitutional majority, is declared passed. Senate Bill 1506. Senator Geo-Karis. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1506.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill amends the Criminal Code and Code of Corrections, creating the offense of residential arson as a Class 1 felony and it -- it -- it redefines "dwelling place of another" under the home invasion statute to allow for the prosecution of estranged spouses who break into a residence when they have some legal title to but are prohibited from entering by court order. I ask for favorable consideration.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1506 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 53 voting Yes, no voting No, no voting Present. Senate Bill 1506, having received the required constitutional majority, is declared passed. Senate

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

Bill 1507. Senator Philip. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1507.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1508 amends the Liquor Control Act...

PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip, 1507. Did you wish to call that bill or take that one out of the record? Madam Secretary, please take 1507 out of the record. Now we are on Senate Bill 1508. Senator Philip. Please read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1508.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip.

SENATOR PHILIP:

Thank -- thank you, Mr. President. Senate Bill 1508 amends the Liquor Control Act, and what it does, it moves cider down to the same tax rate as beer because they have approximately the same alcohol content. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1508 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Yes, no

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

voting No, no voting Present. Senate Bill 1508, having received the required constitutional majority, is declared passed. Senate Bill 1510. Senator Philip. Out of the record. Senate Bill 1547. Senator Geo-Karis. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1547.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, Senate Bill 1547 amends the Liquor Control Act to provide that an on-premises licensee may offer for sale and serve up to sixteen ounces of beer, which is approximately two glasses of beer, to one person for sampling purposes, and I ask for favorable consideration.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You mean to tell me, Senator, I'm going to get to sample a third more beer than I would otherwise?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I wouldn't know what you would do, Senator Jacobs.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jacobs.

SENATOR JACOBS:

I personally think, Senator Geo-Karis, that that sounds pretty good to me.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? If not, the question is, shall Senate Bill 1547 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 53 -- excuse me, 43 voting Yes, 10 voting No, no voting Present. Senate Bill 1547, having received the required constitutional majority, is declared passed. Senator Butler. Madam Secretary, please read Senate Bill 1598.

ACTING SECRETARY HAWKER:

Senate Bill 1598.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Butler.

SENATOR BUTLER:

Thank you very much, Mr. President. Ladies and Gentlemen, back in 1991, this Legislature passed a law that provided home districts of non-special education students, when they are placed in a residential drug or alcohol treatment facility, would be responsible for the educational costs of that student. The law, however, contained some language that has been misinterpreted, in that some districts have used that one sentence in providing a loophole to avoid paying for the cost of education -- educating special ed students. They've used that sentence to assert that the special ed students should be paid for by the -- by the host district, so to speak. This bill makes the educational costs for all students - all students - the responsibility of home district. Be happy to answer questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any questions? Any discussion? If not, the question is, shall Senate Bill 1598 pass. All those in

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

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 54 voting Yes, no voting No, no voting Present. Senate Bill 1598, having received the required constitutional majority, is declared passed. Senate Bill 1599. Senator Butler. Please read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1599.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Butler.

SENATOR BUTLER:

Thank you very much, Mr. President. Ladies and Gentlemen, there are three service districts left in the State of Illinois and this bill merely provides that they must be audited to the same standards, et cetera, as are the regional educational offices. So this merely brings them all into conformity.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1599 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Is -- have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Yes, no voting No, no voting Present. Senate Bill 1599, having received the required constitutional majority, is declared passed. ...Bill 1612. Senator O'Malley. Out of the record. Senate Bill 1627. Senator Parker. Out of the record. Senate Bill 1657. Senator Trotter. Please read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1657.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. This bill relates to the licensure of graduates from accredited schools. Specifically, it requires the Department of Professional Regulations to issue licenses to applicants who graduate from a school of accredited -- that is accredited by the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine. It's asked again that after the exam that has been approved by the Department, then licenses should be submitted. This goes into effect 12/31/99.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Bowles. Senator Jacobs.

SENATOR JACOBS:

Yes. I'm not -- Senator Trotter yield for a question, please?

PRESIDING OFFICER: (SENATOR WATSON)

Senator indicates he'll yield, Senator Jacobs.

SENATOR JACOBS:

I'm not going to raise the question about this is your third bill already on 3rd. You got more than all the rest of the Democrats put together. I guess I could question, you know, what are you doing here. But I do have one question. Where it states, according to the analysis, that the -- the amendment states that they must have proof that the person has graduated from a foreign college of acupuncture and oriental medicine listed in the World Health Organization Directory, what kind of proof are you looking at? Does it have to have official seals, et cetera, like the current nursing and doctor applications...?

PRESIDING OFFICER: (SENATOR WATSON)

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

Senator Trotter.

SENATOR TROTTER:

That is correct. We're -- we're talking about something that comes from the school, which is notarized and is directly submitted from the school to the Department of Professional Regulations.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter will yield. Yes, Senator, go -- proceed.

SENATOR HAWKINSON:

Senator, as I read the analysis, currently people can be licensed who pass an exam and your bill will stop that. Has there been a problem with people who are able to pass the exam and who perhaps have been in this business for a number of years but have not graduated? Why are we wanting to cut them off?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Trotter.

SENATOR TROTTER:

Just trying to standardize and formalize the process which is in effect right now. This language that we have has been the language that -- it's in agreement with those from the Acupuncture Institute, as well as from the Illinois Acupuncture Association -- not that there has been a problem. As you know, we just passed a bill last year which actually authorized them to be part of our reimbursement system. But there has not been any problems in the past that I know of.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? If not, the question is, shall Senate Bill 1657 pass. All those in favor,

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

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 54 voting Yes, no voting No, no voting Present. Senate Bill 1657, having received the required constitutional majority, is declared passed. Senator Bowles, for what purpose do you rise?

SENATOR BOWLES:

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

PRESIDING OFFICER: (SENATOR WATSON)

State -- state your point, Senator Bowles.

SENATOR BOWLES:

I have in the gallery behind the Democratic side of the Senate a group from -- of 4-H'ers from the Quercus Grove 4-H Club in my district, and I'd like for them to stand, please.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Welcome to Springfield. We also have a group here from Clinton County, the township officials in Clinton County. We'd like to welcome them to Springfield. Will our township officials from Clinton County please rise? Welcome to Springfield. ...Hawkinson, for what purpose do you rise?

SENATOR HAWKINSON:

Thank you, Mr. President. Purposes of an announcement.

PRESIDING OFFICER: (SENATOR WATSON)

Yes. Proceed.

SENATOR HAWKINSON:

The Judiciary Committee will meet immediately upon adjournment or at 3 o'clock, whichever is earlier. So if we adjourn prior to that, the Judiciary Committee will meet in Room 400. We have four amendments to consider.

PRESIDING OFFICER: (SENATOR WATSON)

Intention is to adjourn immediately. Senator Rauschenberger, for what purpose do you rise, sir?

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

SENATOR RAUSCHENBERGER:

For purposes of an announcement. I'd like the Members to know that five minutes after adjournment we're going to try to bring all of the Appropriation Members down to Room 212 as quickly as possible. We have a -- a rather long day. We're going to be getting a late start. We have almost all of the higher ed institutions today. And anyone else who doesn't know what to do with four or five hours of their afternoon is welcome to come and join us.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan, for what purpose do you rise, sir?

SENATOR MADIGAN:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

State your point.

SENATOR MADIGAN:

Visiting with us this afternoon in the visitors' gallery, some township officials from DeWitt County, and I'd like them to be recognized and welcomed.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Welcome to Springfield. Township officials from DeWitt County. Senator Geo-Karis, for what purpose do you rise? And I would suggest that we all just kind of sit tight for a minute. There may be a change of order here in a second. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I'd like to announce that in the gallery behind the President's Podium is one of the constituents of Lake County - he belongs to Senator Terrence Link - and whom I know very -- very well, Charles B. Fitzgerald IV, Supervisor of Shields Township, which encompass Lake Bluff, Lake Forest and part of North Chicago. We welcome

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

Charles here today, and he's standing...

PRESIDING OFFICER: (SENATOR WATSON)

Very good. We welcome you to Springfield. Will our -- our guest please rise? ...going to proceed with the Calendar. So I beg your pardon for that previous announcement that we may adjourn. I apologize for that, and our intent is to go ahead with the Calendar. Senate Bill 1674. Senator Dillard. Out of the record. Senate Bill 1675. Senator Dillard. Out of the record. Senate Bill 1694. Senator Parker. Out of the record. Senate Bill 1695. Senator Klemm. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1695.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. Senate Bill 1695 -- 1695 amends the Illinois Vehicle Code to make the Illinois breath alcohol ignition interlock device a permanent program. If you remember, in 1993/1994 we passed a pilot program to find out if this ignition interlock would be able to be effective in deterring some of the DUIs that had -- around the State of Illinois. In 1996 there were forty-four thousand seven hundred and ten arrests in Illinois for DUIs, with seven thousand twenty-three being repeat offenders. And to date, over fifteen hundred offenders participated in this pilot program. The interesting thing is that this group experienced a seventy-six-percent reduction in repeat DUI arrests while the interlock device was installed and even more significant was that it reduced the repeat offenders by fifty-six percent after the interlocks were taken out. This is probably most impressive because these are chronic DUI drivers. So this program

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

has proven successful. This bill would allow Secretary of state and the courts to use this as one more option in its fight against DUI offenders on the streets of Illinois. And I'd ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

Discussion? Any discussion? Senator Jacobs, any discussion? ...discussion? If not, shall Senate Bill 1695 pass? All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 voting Yes, 2 voting No, no voting Present. Senate Bill 1695, having received the required constitutional majority, is declared passed. Senate Bill 1700. Senator Donahue. Out of the record. Senate Bill 1701. Senator Maitland. Senator Maitland. Out of the record. Senate Bill 1702. Senator Butler. Senator Butler. Out of the record. Senate Bill 1704. Senator Rauschenberger. Out of the record. Senate Bill 1705. Out of the record. Senate Bill 1706. Senator Rauschenberger. Out of the record. Senate Bill 1710. Senator Philip. Senator Pate Philip on the Floor? Senate Bill 1711. Senator Donahue. Out of the record. Senate Bill 1712. Senator Philip. Out of the record. Senate Bill 1713. Senator Geo-Karis. Senator Geo-Karis. Out of the record. Senate Bill 1728. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1728.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1728 is legislation that affects an agreement reached

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

in 1938 between the Department of Insurance and Lloyds insurance of Great Britain. The agreement stipulated in Article V that Lloyds must keep on reserve in accounts in Illinois an amount to guarantee risks that they insure in the State. It limits the amount that they may underwrite per risk. Currently, the retain per risk is two hundred and thirty-five thousand. Lloyds is requesting that the risk limit be removed from the Illinois Statute due to two main reasons. First, the fundamental change in Lloyds membership. When the original agreement with the Department of Insurance was reached, Lloyds members were typically individuals with unlimited liability. And beginning in 1994, corporations have participated in Lloyds, and as a result, Lloyds position is that the risk limit hampers members from underwriting risks. The corporations are able to assume more risks than what the current limit allows, and new regulatory measures in Great Britain will, in the opinion of Lloyds, assure that the group is stable and able to insure their policies. The Department of Insurance is neutral on the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. My law firm does work for Lloyds of London, and I'm going to vote Present on this bill, as I may have a conflict of interest.

PRESIDING OFFICER: (SENATOR WATSON)

Any other discussion? Any discussion? If not, the question is, shall Senate Bill 1728 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 voting Yes, no voting No, 1 voting Present. Senate Bill 1728, having received the required constitutional majority, is declared passed. We're on page 11.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

Top of page 11. Senator Clayborne. Senate Bill 1755. Senator Clayborne. Please read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1755.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President. 1755 amends the Probate Act to remove gender as a factor in intestate -- inheritance regarding the death of an illegitimate child and their personal and real property. There was a case called the Estate of -- of Hicks where the Illinois Supreme Court held that Section {sic} (subsection) (d) of Article II of the Probate Act was unconstitutional. And in that case, the court found that only allowing the mother and the mother's descendants to inherit from an illegitimate child who dies intestate, that this was unconstitutional and was a denial of the equal protection clause. And basically what this does, it -- it requires other factors, not just gender. In fact, it removes gender. You have to look at other factors - contacts with the kid -- of the child to make a determination as to who will inherit the child's personal or real property. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 55 -- excuse me, Senate Bill 1755 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? ...all voted who wish? Take the record. On that question, there are 53 voting Yes, no voting No, no voting Present. Senate Bill 1755, having received the required constitutional majority, is

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

declared passed. Senate Bills 1806 through 1815, all on page 11, are being held and out of the record at the sponsor's request. Senate Bill 1830. Senator Rauschenberger. Out of the record. Senate Bill 1835. Senator Parker. Out of the record. Senate Bill 1846. Senator Petka. Out of the record. Senate Bill 1875. Senator Fawell. Senator Fawell. Out of the record. Senate Bill 1878. Senator Bowles. Out of the record. Senate Bill 1884. Senator Demuzio. Out of the -- out of the record. Senate Bill 1892. Senator O'Malley. Out of the record. Senate Bill 1901. Senator Madigan. Out of the record. Senator Madigan, again on (19)03, (19)04. Out of the record. (19)11. Out of the record. (19)12. Out of the record. (19)19. Out of the record. Senate Bill 1938. Senator Philip. Senator Pate Philip on the Floor? Out of the record. As you recall, we started with Senate Bills 1282 on page 8. Our intention now is to go back to the beginning of the Order of Senate Bills 3rd Reading. It's located at the bottom of page 6 on your Calendar. We're starting off with Senate Bill 499. Senator Maitland. Out of the record. Senate Bill 16 -- I beg your pardon, 668. Senator Maitland. Out of the record. Senator Madigan. Out of the record. Senator Viverito, on 1203. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1203.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Viverito.

SENATOR VIVERITO:

Thank you, Mr. Chairman. This bill simply permits Cook County townships the option of establishing a special service area if they wish to do so. They must conduct a front-door referendum on the question before proceeding. What it does is allow us to put

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

streets or sidewalks or -- in the unincorporated area. I would appreciate your support.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1203 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 39 voting Yes, 8 voting No, 1 voting Present. Senate Bill 1203, having received the required constitutional majority, is declared passed. Senate Bill 1217. Senator Petka. Out of the record. We have a recall on Senate Bill 1222. Senator Rauschenberger, do you wish this returned to 2nd -- Order of 2nd Reading for the purpose of an amendment? Senator Rauschenberger does seek leave of the Body. Leave is granted. We're on the Order of 2nd Reading. Senate Bill 1222. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Floor Amendment No. 1 to Senate Bill 1222 corrects dates to make implementation effective and simple for the Secretary of State's Office. The bill as originally -- the bill as originally drafted caused some problems in the way it meshed with the Secretary of State's computer system. I'd appreciate its favorable adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Is there 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?

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Dudycz, on Senate Bill 1225. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1225.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Senate Bill 1225 amends the Election Code and the Municipal Code in regards to determining when an elective office becomes vacant. It provides that a conviction for an offense that disqualifies an office holder from holding office shall occur on the date of the return of a guilty verdict or the entry of a finding of guilt. This bill was requested by the City of Chicago as a result of a recent conviction last year of a -- of an alderman who refused to vacate his seat upon conviction. Technically, the alderman could not be thrown out of the office until his sentencing had occurred and he sat for six months in the City Council. The legislation explicitly states that -- the time upon which an office becomes vacant, if the office holder has been convicted of a crime which would otherwise disqualify him or her from holding office. And currently the Election Code provides that an office shall become vacant upon conviction of an infamous crime or of any offense involving a violation of official oath. Case law has held that a person is not convicted until he has his day in court, which ends only upon completion of the entire trial process, including the opportunity of the -- of the trial judge to correct any error in

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

trial, and finally upon sentencing. And Senate Bill 1225 sets the time which the office becomes vacant at the date of a return of a guilty verdict, or in the case of a trial by the court, the entry of a finding of guilt. And it affects all elected office holders in three branches of government.

PRESIDING OFFICER: (SENATOR WATSON)

Any questions? Senator Berman.

SENATOR BERMAN:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Berman.

SENATOR BERMAN:

In the event a guilty verdict is voided or vacated by the trial judge, does the second paragraph of Section 1 of the Officials Convicted of Infamous Crimes Act apply in the event of Senate Bill 1225 being enacted into law? The paragraph that I'm referring to reads as follows, quote: "If, subsequently, a final order reverses the conviction, eligibility to hold the office, to the extent of the original term then remaining, is restored, and the officer shall be reinstated, for the duration of the term of office remaining." Unquote. Would that apply with the passage of Senate Bill 1225?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCH:

It's my understanding, Senator Berman, that -- that it would. Again, I'm not an attorney, but the information that has been given to me is that it would.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Berman.

SENATOR BERMAN:

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

Just -- just to expand on what I've explained. One of the questions that arose in the -- in the discussion of Senate Bill 1225, on a rare occasion, even though there's a guilty verdict that comes back, there may have been errors in the deliberation of the jury and the trial judge has the opportunity at some later date to vacate that verdict. What we're doing, by my question and Senator Dudycz's answer, is to say that the date of the verdict terminates the holding of the office, but if later on the judge vacates the verdict, that office holder will be reinstated. And that was the purpose of our exchange of a question and answer. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Collins.

SENATOR COLLINS:

And, Senator, I apologize. I was called off the Floor and I didn't hear the -- the -- the first part of the bill explanation. I do know there was a bill last year floating around, or early spring, in reference to convicted felonies {sic} (felons) being able to hold office. Does this bill deal with convicted felons not being able to run for office? No. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz, to answer the question.

SENATOR DUDYCZ:

Well, no, this does not deal with that, Senator. This just -- this just requires a -- an elected official to vacate that office upon the finding of guilt or upon a guilty verdict.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Molaro.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

SENATOR MOLARO:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Molaro.

SENATOR MOLARO:

The overriding reason again for this is because -- it's the City of Chicago. Apparently some alderman was convicted of a crime, and the judge is going to set his sentencing date where he's going to sentence him and give him the time. Now, during that -- during that period of time, of course, there's a motion for a new trial, couple other motions that may be filed and all these other things that could come up during this thirty- or sixty-day period. So the overriding reason is that even though a lot of things can happen with that sixty days, there's an overriding concern of what this guy or woman is going to do on the City Council during these sixty days, that we can't wait to make sure that a final judgment is entered. Because you don't take final judgment when there's a guilty verdict returned. Final judgment takes place after sentencing. So what -- what's the overriding reason again?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCH:

Yeah. Again, Senator Molaro, the City requested this legislation be put in due to a situation last year in the City where an alderman was either found guilty or pleaded guilty to a felony and he refused to vacate his seat and he was voting as a member of the -- of the City Council, and -- and that's it.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Molaro.

SENATOR MOLARO:

Yeah, I just -- I just -- I just want to make this clear, and

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

-- and if I'm wrong, maybe one of the other Senators who may know something about this more than I can -- can step up on this. You're -- you're convicted, or -- or jury comes back and says guilty verdict, on Tuesday, whatever it may be. The judge comes up and says, "All right, in thirty or sixty days," - whatever it may be - "I'm going to hear arguments; I'm going to have sentencing." Within thirty days, there are just motions of course, motion for a new trial to come back with certain things. If you have lawyers and they come up and show that, the judge actually, at that particular time, could look at that, and you have thirty days to do this, and actually order a new trial. The judge could have a judgment notwithstanding the verdict. He could go right against their verdict. So what this bill does is it takes him out of office immediately. Now there's a vacancy declared. The Mayor appoints a new alderman. Sixty days later, the judge in the court, because sometimes the federal judges or circuit court judges aren't bound by a time limit that the City could set, so they come out and they vacate the verdict and judgment was never entered against the alderman. The alderman can wind up with either a new trial or -- or just like in the au pair case and a few others come back and say -- the judge says, "I do not agree with this verdict," and set it aside. Now you have a new alderman sitting there, and I don't know what section 'cause I don't have the bill in front of me that -- that Senator Berman was citing, and you're causing all these problems because you want to change something that's been going on in the City Council. Sad to say there's a history of a lot of alderman, you know -- you know, not -- you know, misbehaving, so to speak. It's been going on for years and years and years. To say that the fellow might be there for an extra thirty or forty days and the Mayor of the City of Chicago doesn't like that, or whoever doesn't like it - I don't even think that this was the Mayor's initiative - to stand there

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

and say we're going to change the law because he may do something in thirty days and take away everything I just said doesn't seem to make sense to me. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Petka.

SENATOR PETKA:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Petka.

SENATOR PETKA:

Senator Dudycz, is there a mechanism in your bill - I've been trying to pull it up here on -- on our computer - that in the event that a person takes his conviction on an appeal and the Appellate Court sets it apart, or sets it aside, that the -- that the person will be reinstated, and -- and what is the mechanism?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCH:

Well -- well, Senator Petka, it -- not in this specific legislation, but in the exchange between Senator Berman and I, it clarifies the intent of the bill that -- what would declare the vacancy. If it is overturned by -- by a court, then that sitting official would be reinstated.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Then if a person is seated during that vacancy, will that person then be required as -- by operation of law, to give up his -- his seat?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCH:

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

That's correct. That's my understanding.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

I do not believe that that is the -- the mechanism that is in place right now. So does your bill state that if a person is convicted, has his conviction set aside either on direct appeal or sixty days or ninety days later, then the person who is taking the -- the position is taking that position conditionally?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCZ:

No, Senator. What my bill specifically states is that the office becomes vacant -- all it addresses, that the -- the vacancy becomes effective at the date of the return of a guilty verdict or, in case of a trial of a court, the entry of a finding of guilt. It doesn't address the -- the other.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Would the sponsor yield? I'm a little confused, too. Just as a follow up, I guess, if you will, along that same line if the court does overturn the original conviction and the gentleman is to be reseated, where's the vacancy? You -- you have an alderman who has been placed in a position legally, and what is the mechanism to remove that person to create a vacancy for this person to come back to? I think we're really getting into an area here that really becomes a little bit confusing. If nothing else, you know, and I think maybe this is something you may want to look at, Senator, is to make it a temporary appointment of sixty days, thirty days, ninety days whatever time you feel it may take in

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

order to be able to create that vacancy. Otherwise, I think you can have court cases which would come back and the guy says, "Hey, I was duly appointed; I have done nothing wrong; you have no reason to remove me from office." And therefore, there is not a vacancy, and I think a temporary appointment to that position would better serve your purpose.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR DUDYCH:

Thank you. Just to answer Senator Jacobs: You know, this legislation, Senator, does not -- does not address how that vacancy is filled. All it specifically states is that, rather than as current law states, the -- the vacancy will be upon the return of a guilty verdict or an entry of a finding of guilt on that moment, to prevent future occurrences that none of us hope ever happen again, but just in case we have another situation as we did in Chicago where an alderman was convicted. He sat -- or he was -- he pleaded guilty and for six months he sat as a voting member of that City Council, and this is intended to prevent that.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jacobs, he was closing. Yes, he was closing. He was answering your question, sir, your comments. The question is, shall Senate Bill 1225 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 45 voting Yes, 2 voting No, 1 voting Present. Senate Bill 1225, having received the required constitutional majority, is declared passed. We inadvertently passed over Senate Bill 1224. Senator Dillard. And Senator Dillard would like that bill called. With leave of the Body, we'll go back to that bill. Leave is granted. Madam Secretary,

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1224.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill is a bipartisan measure that will toughen the penalties for the use of drugs in committing rape. A rapist who uses a drug in committing a sexual assault will be prosecuted as if he used a knife, a gun, or another deadly weapon. Drugging someone without their consent is an aggravated battery and is punishable by up to five years in prison. If a rapist uses a drug to accomplish his sexual assault, it will be treated as an aggravated criminal sexual assault and punished as if the offender had used a knife, a gun, or another deadly weapon. The -- that offense will carry a prison sentence of at least six years and up to thirty years. The bill is supported by the Office of the State's Attorneys Appellate Prosecutor, the Illinois Sheriffs' Association, and the Association of Chiefs of Police. I'd like to thank Matt Jones from our staff, who has put in countless hours trying to put this bill in working order, along with Cheryl Luria of Roche Pharmaceuticals, which has been a leader nationwide in combating these types of new offenses. I'd be happy to answer any questions and would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Berman.

SENATOR BERMAN:

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

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Berman.

SENATOR BERMAN:

According to our analysis, the Illinois Coalition Against Sexual Assault is an opponent of this bill. I find that unusual. Could you explain why their position is in opposition?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Senator Berman, we worked with Polly Poskin from that organization. And recently they had a meeting of their organization, and nine members of their -- their board voted to be neutral on the bill, as amended, and four voted No, to remain opposed to the bill. Essentially, I think they're opposed because there would be situations -- and let me tell you, this is a voluntary test. So if you are a victim of this, you don't have to take this -- this type of test. But they're worried that if you take a test for this type of drug, to see if you were drugged and then sexually assaulted, that other drugs may show up in your system. And they don't, for whatever reason, think that those types of other illegal drugs which might show up in a woman's system - and some may even be legal, but they could be used against a woman if she were testifying in court - they wish there was a way to block out other drug usage, as opposed to just pinpointing the date rape drug that might be in their system. But importantly, Senator Berman, we amended the bill and it's a voluntary test. A woman who is sexually assaulted with a date rape drug, and in some cases, I guess, it could be a man as well, or a male, they still have the protection that's there today under current law for, you know, aggravated criminal sexual assault. This adds a new, enhanced penalty. The test is voluntary. But I think Polly Poskin and that group's objections, if there are any,

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

are that other illegal drugs, or even legal drugs, may show up in a woman's system when they're tested, and, therefore, there's a stigma attached to that particular woman. But again, the test is voluntary. She still would be protected under current law. She just wouldn't get the aggravated offenses if she wouldn't take the test.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? If not, the question is, shall Senate Bill 1224 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 54 voting Yes, no voting No, no voting Present. Senate Bill 1224, having received the required constitutional majority, is declared passed. Resolutions, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Joint Resolution, Constitutional Amendment, No. 57, offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw, for what purpose do you rise, sir?

SENATOR SHAW:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

I beg your pardon?

SENATOR SHAW:

Point of personal privilege. We have over in -- on the Republican side of the aisle, the University of Illinois 4-H Club members in the gallery here, have joined us today. Will you ask them to rise?

PRESIDING OFFICER: (SENATOR WATSON)

Certainly. We'd like to welcome our friends from the 4-H here in the Senate. Would you all please rise and be welcomed?

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

Senator Hawkinson, for what purpose do you rise?

SENATOR HAWKINSON:

Thank you, Mr. President. Just to remind Members of the Judiciary Committee that we will be convening in Room 400 immediately upon adjournment.

PRESIDING OFFICER: (SENATOR WATSON)

We -- very good, Senator, but we're still not adjourning. We're going... Senator Larry Walsh, for what purpose do you rise, sir?

SENATOR L. WALSH:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

State your point, Senator.

SENATOR L. WALSH:

Mr. President and Ladies and Gentlemen of the Senate, it's my privilege to announce that we have the highway commissioners from Lockport Township and -- and Joliet Township and also trustees from Joliet Township, the assessor and supervisor from Lockport Township. I'd like to welcome them to the Senate.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Will our friends from the township government please rise? Very good. Welcome to Springfield. Glad to have you here. Senate Bill 1246. Out of the record. Senate Bill 1247. Out of the record. Senate Bill 1249. Senator Garcia. Out of the record. Senate Bill 1250. Senator Butler. Out of the record. Senate Bill 1251. Senator Luechtefeld. Out of the record. Senate Bill 1258. Out of the record. Senate Bill 1260. Senator Klemm. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1260.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. Senate Bill 1260 is in response to a problem we had in McHenry County on a official misconduct of a school employee, actually a schoolteacher, who -- the case was dismissed because of not having a child that was molested in the playground under the direct control of that teacher in the classroom. So what we've done is included the public school employees under the definition of "public employee" in the Criminal Code. We also added a provision to the element of the criminal offense of official misconduct to cover those persons who commit a crime through their position of trust as a public official or an employee. I want to thank the Judiciary Committee for their indulgence while we worked out the agreed language that the IEA provided to prevent this from happening. And I do ask for your support on this important bill.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Real quick. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Jacobs.

SENATOR JACOBS:

Senator, as you know, that there has been a lot of discussion about schoolteachers, their insurance, et cetera, and whether they're State employees or not State employees. Are we making them State employees under this bill? And if so, does that have other ramifications that may not be apparent by this bill?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

SENATOR KLEMM:

No, it has no bearing on that. It's just in the Criminal Code for that very narrow interpretation.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Further discussion? If not, the question is, shall Senate Bill 1260 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? Senator, you ought to vote for your own bill. Take the record. On that question, there are 54 voting Yes, no voting No, no voting Present. Senate Bill 1260, having received the required constitutional majority, is declared passed. Senate Bill 1271. Senator Burzynski. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1271.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. This bill provides that the Act does not prohibit the practice of physical therapy by a physical therapy student or physical therapist assistant student under the on-site supervision, instead of direct personal supervision, of a licensed physical therapist. I know of no opposition to the bill. Will try and answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1271 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 54 voting Yes, no

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

voting No, no voting Present. Senate Bill 1271, having received the required constitutional majority, is declared passed. Senate Bill 1272. Senator Burzynski. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1272.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill is the same bill that we passed from this Chamber last year that got lost in the Illinois House. It was House Bill -- or, Senate Bill 859. And basically it amends the Act to exclude from regulation of the Act certain providers of health care services.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator, I don't remember the bill from last year, but the Digest says you are excluding certain providers of personal care and health care services. Who are they?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Very -- very good question, Senator. Basically, what we're talking about are in-home care providers, such as people that are

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

-- work with the licensed hospital hospice program, those kinds of people that provide in-home health care services.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Further discussion? If not, the question is, shall Senate Bill 1272 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 voting Yes, no voting No, no voting Present. Senate Bill 1272, having received the required constitutional majority, is declared passed. Senate Bill 1279. Senator Tom Walsh. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1279.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Tom Walsh.

SENATOR T. WALSH:

Thank you, Mr. President. The purpose of this bill is to provide the content requirements and a date by which the State agencies are to report the results of the annual State Employees Charitable Appeals Campaign. This is to give the number of people and the amounts of money that are donated to various charitable organizations from different organizations of the State. And I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1279 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 53 voting Yes, no voting No, no voting Present. Senate Bill 1279, having received the

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

87th Legislative Day

March 24, 1998

required constitutional majority, is declared passed. Senate Bill 1280. Out of the record. And we're back to where we started. Is there any further business? Introduction of Bills, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1940, offered by Senator Jacobs.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned: Referred to Education Committee - Senate Amendment No. 1 to Senate Bill 1561, Senate Amendments 2 and 3 to Senate Bill 1664, and Senate Amendment No. 2 to Senate Bill 1892; referred to Executive Committee - Senate Amendment No. 1 to Senate Bill 1455, Senate Amendment No. 2 to Senate Bill 1701, Senate Amendment No. 2 to Senate Bill 1838, and Senate Joint Resolution, Constitutional Amendment, 57; referred to Licensed Activities Committee - Senate Amendment No. 1 to Senate Bill 1625.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any other further business to be brought before the Senate? If not, Senator Kehoe moves the Senate stands adjourned until 10 a.m., Wednesday, March 25th.

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
SENATE  
DAILY TRANSCRIPTION OF DEBATE INDEX

MARCH 24, 1998

HB-2295	FIRST READING	PAGE	3
HB-2315	FIRST READING	PAGE	3
HB-2411	FIRST READING	PAGE	3
HB-2446	FIRST READING	PAGE	3
HB-2492	FIRST READING	PAGE	3
SB-1203	THIRD READING	PAGE	53
SB-1222	RECALLED	PAGE	54
SB-1223	SECOND READING	PAGE	4
SB-1224	THIRD READING	PAGE	62
SB-1225	THIRD READING	PAGE	55
SB-1260	THIRD READING	PAGE	66
SB-1271	THIRD READING	PAGE	68
SB-1272	THIRD READING	PAGE	69
SB-1279	THIRD READING	PAGE	70
SB-1282	THIRD READING	PAGE	17
SB-1286	THIRD READING	PAGE	18
SB-1288	SECOND READING	PAGE	4
SB-1292	SECOND READING	PAGE	5
SB-1305	SECOND READING	PAGE	5
SB-1306	SECOND READING	PAGE	6
SB-1307	THIRD READING	PAGE	21
SB-1313	SECOND READING	PAGE	6
SB-1315	SECOND READING	PAGE	6
SB-1331	THIRD READING	PAGE	22
SB-1338	THIRD READING	PAGE	27
SB-1347	SECOND READING	PAGE	7
SB-1349	SECOND READING	PAGE	7
SB-1350	SECOND READING	PAGE	8
SB-1372	SECOND READING	PAGE	8
SB-1383	THIRD READING	PAGE	29
SB-1384	THIRD READING	PAGE	32
SB-1387	SECOND READING	PAGE	9
SB-1424	SECOND READING	PAGE	9
SB-1425	THIRD READING	PAGE	33
SB-1427	THIRD READING	PAGE	34
SB-1430	SECOND READING	PAGE	9
SB-1432	THIRD READING	PAGE	35
SB-1471	THIRD READING	PAGE	36
SB-1505	THIRD READING	PAGE	39
SB-1506	THIRD READING	PAGE	40
SB-1507	THIRD READING	PAGE	41
SB-1507	OUT OF RECORD	PAGE	41
SB-1508	THIRD READING	PAGE	41
SB-1527	SECOND READING	PAGE	10
SB-1528	SECOND READING	PAGE	10
SB-1544	SECOND READING	PAGE	11
SB-1547	THIRD READING	PAGE	42
SB-1557	SECOND READING	PAGE	11
SB-1561	SECOND READING	PAGE	11
SB-1565	SECOND READING	PAGE	16
SB-1567	SECOND READING	PAGE	12
SB-1568	SECOND READING	PAGE	12
SB-1598	THIRD READING	PAGE	43
SB-1599	THIRD READING	PAGE	44
SB-1602	SECOND READING	PAGE	13
SB-1617	SECOND READING	PAGE	13
SB-1622	SECOND READING	PAGE	13
SB-1657	THIRD READING	PAGE	44
SB-1664	SECOND READING	PAGE	14
SB-1695	THIRD READING	PAGE	49
SB-1698	SECOND READING	PAGE	14
SB-1707	SECOND READING	PAGE	15
SB-1728	THIRD READING	PAGE	50
SB-1755	THIRD READING	PAGE	52

MARCH 24, 1998

SB-1889 SECOND READING	PAGE	15
SB-1896 SECOND READING	PAGE	16
SB-1897 SECOND READING	PAGE	16
SB-1940 FIRST READING	PAGE	71
SJR-0057 RESOLUTION OFFERED	PAGE	65

SUBJECT MATTER

SENATE TO ORDER - PRESIDENT PHILIP	PAGE	1
PRAYER - PASTOR THOMAS RADTKE	PAGE	1
PLEDGE OF ALLEGIANCE	PAGE	1
JOURNALS - APPROVED	PAGE	1
MESSAGE FROM THE HOUSE	PAGE	1
MESSAGE FROM SECRETARY OF STATE	PAGE	3
MESSAGE FROM MINORITY LEADER	PAGE	3
COMMITTEE REPORT	PAGE	17
INTRODUCTION OF GUEST-SENATOR CRONIN	PAGE	25
REMARKS BY MISS AMERICA 1998 KATE SHINDLE	PAGE	26
COMMITTEE REPORT	PAGE	71
ADJOURNMENT	PAGE	71