

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

PRESIDING OFFICER: (SENATOR GEO-KARIS)

...ask that all the Members of the Senate come to the Assembly and take your seats. The regular Session of the 90th General Assembly will come to order. Will the Members please be at their desks, and will our guests in the gallery please rise? Our prayer today will be given by Pastor Gerald Nichols, First United Methodist Church, Springfield, Illinois. Pastor Nichols.

PASTOR GERALD NICHOLS:

(Prayer by Pastor Gerald Nichols)

PRESIDING OFFICER: (SENATOR GEO-KARIS)

At this time, we will have the Pledge of Allegiance, led by Senator Todd Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Reading of the Journal. Mr. Secretary.

SECRETARY HARRY:

Senate Journal of Tuesday, May 13th, 1997.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler.

SENATOR BUTLER:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR BUTLER:

Madam President, I move that reading and approval of the Journals of Wednesday, May 14th; Thursday, May 15th; Friday, May 16th; Monday, May 19th; and Tuesday, May 20th, in the year 1997, be postponed, pending arrival of the printed Journals.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SECRETARY HARRY:

Senator O'Malley, Chair of the Committee on Financial Institutions, reports Senate Bill 1076, the Motion to Concur with House Amendments 1 and 2, Be Adopted.

Senator Fitzgerald, Chair of the Committee on State Government Operations, reports the following bills: Senate Bill 500, Motion to Concur with House Amendment 1; Senate Bill 561, the Motion to Concur with House Amendment 1; Senate Bill 689, Motion to Concur with House Amendments 1 and 2; Senate Bill 777, the Motion to Concur with House Amendments 1 and 2; Senate Bill 852, the Motion to Concur with House Amendments 2 and 3; and Senate Bill 855, the Motion to Concur with House Amendment 1, all Be Adopted.

Senator Burzynski, Chair of the Committee on Licensed Activities, reports Senate Bill 315, the Motion to Concur with House Amendment 1; and Senate Bill 316, the Motion to Concur with House Amendments 2 and 3, both Be Adopted.

Senator Klemm, Chair of the Committee on Executive, reports Senate Resolutions 61, 68, 71, 73 and 76, all Be Adopted; Senate Joint Resolution 34 Be Adopted; Senate Joint Resolutions 31 and 35 Be Adopted, as Amended; House Joint Resolution 18 Be Adopted; and Senate Bill 910, the Motion to Concur with House Amendments 1 and 2, Be Adopted.

Senator Hawkinson, Chair of the Committee on Judiciary, reports the following bills: Senate Bill No. 6, the Motion to Concur with House Amendments 1 and 2; Senate Bill 71, the Motion to Concur with House Amendments 1 and 2; Senate Bill 366, the Motion to Concur with House Amendment 1; Senate Bill 368, Motion to Concur with House Amendment 1; Senate Bill 381, the Motion to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

Concur with House Amendments 1 and 2; Senate Bill 408, Motion to Concur with House Amendment 1; Senate Bill 710, Motion to Concur with House Amendments 1 and 2; Senate Bill 780, Motion to Concur with House Amendment 1; and Senate Bill 942, Motion to Concur with House Amendment 1, all Be Approved for Consideration.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Will the Members please come to the Floor, because we are going to start business immediately, and we will start on page 8 of today's Calendar, in the Order of Secretary's Desk Concurrence, Senate Bills. The intent of the Chair is to proceed to this Order of Business for the purpose of considering Motions to Nonconcur. And after this Order, we'll go back to Motions to Concur. Senate Bill -- on page 9. I direct your attention to page 9, Ladies and Gentlemen of the Senate, and we will start with Senate Bill 218. Senator del Valle. Madam Secretary, read the bill -- read the motion. 218.

ACTING SECRETARY HAWKER:

I move to nonconcur with the House in the adoption of their Amendment No. 1 to Senate Bill 218.

Offered by Senator del Valle.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Senator del Valle -- del Valle moves to nonconcur in House Amendment 1 to Senate Bill 218. Those in favor, say Aye. Those opposed will say Nay. The Ayes have it, and the motion carries, and the Secretary shall so inform the House. Senate Bill 303. Senator Fitzgerald? Out of the record. Senate Bill 348. Senator Mahar. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to nonconcur with the House in the adoption of their Amendment No. 3 to Senate Bill 348.

Offered by Senator Mahar.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

Senator Mahar. Any discussion? Any discussion? Hearing none, Senator Mahar moves to nonconcur to Senate Bill -- House -- 348 with House Amendment 3. All those in favor will -- will say Aye. All opposed will say Nay. The Ayes have it. The motion carries. The Secretary shall so inform the House. On page 11, Senate Bill 521. Senator Jones. Senator Jones. Out of the record. On page 12, Senate Bill 681. Senator Thomas Walsh? Senate Bill 681? Read the motion, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to nonconcur with the House in the adoption of their Amendment No. 1 to Senate Bill 681.

Offered by Senator Walsh.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? Hearing none, Senator -- Senator Walsh moves to nonconcur in Senate Amendment 1 -- House Amendment 1 to Senate Bill 681. All those in favor will say Aye. All opposed will say Nay. The -- in the opinion of the Chair, the Ayes have it, and the motion carries, and the Secretary shall so inform the House. Page 14. Senate Bill 1099. Senator Parker, to nonconcur? Out of the record. We'll now go back to page 8, on Secretary's Desk, Concurrence of Senate Bills, and for the purpose of taking up the Motions to Concur. Senate Bill 6. Senator Radogno? Sorry. Out of the record at this time. Senate Bill 21. Senator Peterson? Read the motion, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 21.

Offered by Senator Peterson.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Peterson.

SENATOR PETERSON:

Thank you -- thank you, Madam President. Senate Bill 21, as

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

it was voted on and left the Senate, did two things. It raised township park district acreage from ten to twenty-five acres and also had a special assessment district for the purposes of sidewalks, streets and lights. In the House, the amendment has to do with adding, for special assessment purposes, flood control. I ask for your support of Senate Bill 21.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? This is final action. The question is, shall the Senate concur in House Amendment 1 of Senate Bill 21. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 46 voting Aye, 7 voting Nay, none voting Present. And this bill, having received the -- the required constitutional amendment {sic}, is hereby declared passed. Senate Bill 76. Senator Lauzen. Senator Lauzen? Senate Bill 76, for concurrence. Out of the record. Senate Bill 103. Senator Butler? Out of the record. Senate Bill 106. Senator Butler. Read the motion, Madam Secretary. 106. Concurrence.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 3 to Senate Bill 106.

Offered by Senator Butler.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler.

SENATOR BUTLER:

Thank you. Ladies and Gentlemen, Senate Amendment 1 and 2 -- or, 1 and 3 - I'm sorry - concerns -- let me get this straight. Oh, yes. This is -- this is an amendment which authorizes the county supervisor to notify the county board of contracts between municipalities and commercial and industrial facilities outside

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

the municipal boundaries. It also provides, within the Township Code, that when any part of a city is disconnected, the territory shall be automatically disconnected from -- from the otherwise coterminous township and connected to the adjacent township. Then it sets forth some of the requirements for it. House Amendment No. 3 states that the building codes prevailing in a municipality shall -- shall not carry weight above the -- the county building codes. And I would ask your favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes, would the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will.

SENATOR CULLERTON:

Senator, I'm just looking at our analysis, and it appears to be totally different amendments than what you were talking about. So I was just curious if I had the right bill here or... We show these amendments dealing with Cook County and Robbins being able into -- to enter into a cooperative agreement to demolish some unsafe buildings, and -- and another amendment that would allow for Grundy County to be included in the bill. Is that a different bill or is that the underlying bill or...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

We're referring to Amendments 1 and 3. Senator Butler.

SENATOR BUTLER:

We are nonconcurring in that -- in those motions. We're nonconcurring in 2, 4 and 7.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Cullerton.

SENATOR CULLERTON:

I see. So the ones that I was just referring to are the ones

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

that you're nonconcurring in, and you -- and you are concurring in 1 and 3, and 1 and 3 are the ones that you just described.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler.

SENATOR CULLERTON:

And then do you expect that the House will recede from...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler.

SENATOR BUTLER:

I have no word. I don't...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? The -- Senator Butler moves to concur in House Amendments 1 and 3 to Senate Bill 106. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, none voting No, none voting Present. And this -- these two amendments, having received the required constitutional majority, are hereby declared passed. Senator Butler. Senator Butler.

SENATOR BUTLER:

We -- this is a Motion to Nonconcur with Senate Amendment -- or, House Amendments - excuse me - 2, 4 and 7 to Senate Bill 106.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, all those in favor, signify by saying Aye. All opposed, No. In the opinion of the Chair, the Ayes have it, and the Motion to Nonconcur on Amendments 1 -- 2, 4 and 7 on Senate Bill 106 is passed. And the motion carries, and the Secretary shall so inform the House. Senate Bill 307. Senator Viverito. Senator Viverito, on Senate Bill 307. On page 9. Read the motion, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

Amendments 1 and 3 to Senate Bill 307.

Offered by Senator Viverito.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Viverito.

SENATOR VIVERITO:

Thank you, Madam President and fellow Members. We have two amendments, and we've worked them out with the Medical Society on House Amendment No. 1. This brings the Medical Society on board for this bill. The amendment is supported by the Township Officials of Illinois, the Illinois Rural Health Agency Care Network. And the other Amendment, No. 3, permits the -- it's the township will continue annual budget ordinances and to expend funds during the first quarter of the fiscal year. According to Township Officials, this power is current practice, and it's only a classification. This amendment makes it explicitly clear the changes supported by the Township Officials of Illinois. I think these are two good amendments, and I ask for your favorable consideration. I think this will be something that will benefit the rural areas, and I hope that all of you will support it and vote for it. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Syverson.

SENATOR SYVERSON:

Thank you. Question of the sponsor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he will yield.

SENATOR SYVERSON:

Senator, has -- has this been negotiated language put on that addresses the concerns from the hospital associations and the HMOs?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Viverito.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

SENATOR VIVERITO:

Yeah. I have told the HMO association that I will work to include them in the fall or in the spring. The Medical Society has agreed to their inclusions, and I want to move this bill along. And I'm afraid if I don't do the bill now, it might get lost in the process, because a lot of the rural health areas are dying to have a primary health care that's needed so desperately. And I would hope that you would understand what we are trying to do right now.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Syverson.

SENATOR SYVERSON:

But, Senator, going to -- it wouldn't be lost. Waiting till fall, this issue may not be addressed. If we send it to conference now, we can get the language that, as you have stated, has been agreed to by the Medical Society, which will give townships the ability to contract with hospitals, with HMOs, which are going to give a broader range of services, which will make it better for the townships. And I think this would be something that we should pull back. Let's put the amendment on, instead of having to wait till fall. Let's get it straightened out once and for all now, especially since everyone's in agreement. Let's just do it now and -- and get it out this year and dealt with.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Viverito.

SENATOR VIVERITO:

Senator, in all due respect, the basic problem here is that there is no particular hospital in those particular areas at this time. There are no HMOs in the area at this time. And, obviously, as I've said before, we will bring this back in the fall, and whatever their anxieties may be by then, we'll be able to work with them. I pledge to do that. But this particular

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

time, I think that there are a lot of particular monies that will be available for the possibility of grants that may be available to them, and the townships will be able to decide as to what the primary health care is needed in those areas. And when you look at the cost-efficiency of the township running it compared to, perhaps, the special interests that is out there to make money, I think it's far -- more benefit for the township officials in those particular counties or townships. There's only fifteen of them that it would apply to. So I ask for your consideration, again, to let this go forward and to get this voted upon now, because we've been waiting a long time to enact this law.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Syverson.

SENATOR SYVERSON:

I can agree with that. You certainly have that prerogative to do that. My concern is to make sure that we get addressed. Even though there may not be an HMO in those areas, they could certainly move into those areas, and as we know, managed care is much more cost-effective and could save those townships, I think, dollars, plus give a wider range of choices for those individuals. But with your commitment that you will support language that will address those concerns, then I'll be -- no problem with moving forward with this legislation.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Viverito, to close.

SENATOR VIVERITO:

I -- I pledge to you, I will work in the fall, but I ask you now to allow this bill to go forward and to get this where the people will be able to provide this primary health care. We have a primary health care in my area that's fifty years old that is probably as cost-efficient as God could ever make anything. Thank you.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

PRESIDING OFFICER: (SENATOR GEO-KARIS)

This is final action. The question is, shall the Senate concur in House Amendments 1 and 3 to Senate Bill 307. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Madam Secretary. On that question, there are 57 voting Aye, none voting No, none voting Present. And this -- this -- this motion, having received the -- the concurrence of the Senate and having received the required constitutional majority, is hereby declared passed. Senate Bill 347, on page 10. Senator Mahar? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 347.

Offered by Senator Mahar.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President. The House Amendment No. 1 becomes the bill. It amends the Illinois Chemical Safety Act. It modifies the definition of "chemical substance" to conform with the threshold levels of chemical substances regulated under the Illinois Chemical Safety Act and puts it in compliance with federal standards. I know of no opposition. I would move its adoption.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none - this is final action - the question is, shall the Senate concur in House Amendment 3 {sic} (1) to Senate Bill 348. Those in favor, vote Aye. I'm sorry. 347. Senate Bill 347. Those in favor, vote Aye. Those opposed will vote Nay. The voting's

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Madam Secretary. On that question, the Ayes are 59, the Nays are none, the Present are none. And the Senate does concur in House Amendment 1 to Senate Bill 347, and the bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 369. Senator Dudycz. Senator Dudycz, on Senate Bill 369. Out of the record. Senate Bill 418. Senator Cullerton. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 418.

Offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator -- wait just a minute, Senator. Could we have it a little bit more orderly in this distinguished Senate? Senator Cullerton.

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. I hope you didn't do that for me, because this isn't really that big of a bill. It -- it amends the Mental Health Code, and as it passed the Senate 57 to nothing, it permitted the Department of Human Services, as the successor to the Department of Mental Health, to install closed-circuit television in quiet rooms in the institutions supervised or operated by the Department in order to monitor patients in those quiet rooms. A quiet room, by the way, is a room used by the Department as a temporary area for patients who are causing problems for other patients or who are acting out. In other words, the patient is removed from the general population for awhile. And the -- the amendment that -- added at the House just simply says that this bill is not meant to interfere with any current provision in the Mental Health Code concerning the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

observation and monitoring of patients. So, it's a -- really a technical amendment, and I move that we concur so we can pass this bill to the -- on to the Governor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none - this is final action - the question is, shall Senate Bill 418 with House Amendment 1 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 58 voting Aye, none voting Nay, none voting Present. And this bill -- this motion -- the Senate does concur in House Amendment 1 to Senate Bill 418, and the bill, having received the required constitutional majority, is hereby declared passed. Chair is now going to yield to Senator Watson, for the purpose of introductions.

SENATOR WATSON:

Sorry to break into the -- the order of business, but I've got a special group here I wanted to introduce, and I appreciate the Body taking the time to -- to allow this to take place. We rehearsed this this morning so they know exactly where they're to go, so we can get in and get out pretty quick and -- and not interrupt the proceeding at -- at a great length of time. This is Carlyle Junior High School, the -- the eighth grade, obviously in my district, and -- that we had a group here, if you recall, last week, from the eighth grade, who were with us. And I got up on the Floor and I mentioned that Carlyle is the -- the City of Champions, and that's exactly right. This -- this eighth-grade group of boys won the high school -- or, pardon me, won the eighth-grade basketball tournament this year in Illinois, and so we wanted to recognize them here today and give them an opportunity to be welcomed by the Senate. I have John Reed, who is the head coach, and Jim McClaren, who is the -- the principal.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

And if they would, I'd like for them to come forward. We have Certificates of Recognition to present to the -- to Mr. Reed and he will make a few comments about the team and the cheerleaders, who we have here. Obviously cheerleaders are an important part of the function of any success of athletics, and we appreciate their work also, and -- and we now have Mr. Reed, John Reed.

COACH JOHN REED:

(Remarks by Coach John Reed)

SENATOR WATSON:

Well, would we give 'em a welcome? All right. Well, those of you that follow basketball, both girls' and boys', know the success that certainly Carlyle High School has had, so it looks like their fortunes are going to continue. So look out for Carlyle in the future. We -- again, glad to have you here today and certainly appreciate you taking the time to come up and join us. Thank you very much. And I will give you -- these are the Certificates that recognize this day as Carlyle Junior High School Day, and we appreciate, again, once again, everyone taking the time to visit with us. Thank you. My pleasure, John.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

We'll be resuming the business of the Senate. On Secretary's Desk, Concurrence, Senate Bill 437. Senator Butler? Read the motion, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 437.

Offered by Senator Butler.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler.

SENATOR BUTLER:

Thank you, Madam President. Ladies and -- Ladies and Gentlemen of the Senate, the underlying bill, Senate Bill 437,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

authorizes municipalities to impose higher education requirements on police applicants. The Amendment No. 1, which I agree with, deletes the requirement that the university or college be located in Illinois. This means that, with this amendment, the degree can be from any accredited college or university in the country. And I would urge approval.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? This is final action. On the question, does the Senate concur in House Amendment 1 to Senate Bill 437, all those in favor, vote Aye. All opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 59 voting Aye, none voting No, none voting Present. And the Senate does concur in House Amendment 1 to Senate Bill 437, and the bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 509. Senator Shadid. Senator Shadid. Senate Bill 509. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 509.

Offered by Senator Shadid.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Shadid.

SENATOR SHADID:

Thank you, Madam President and fellow Members. There's two amendments onto House Bill -- Senate Bill 509 and both of them -- the first amendment, Amendment No. 1, changes the title of the chief executive and administrative officer of the Department of Corrections in Cook County from Executive Director to Director. Amendment No. 2 permits the Sheriff of Cook County, with the advice and consent of the county board, to appoint additional

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

members to the Cook County Sheriff's Merit Board, now limited to five members. So I would appreciate a Yes -- affirmative vote on these two amendments.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? The question is, shall the Senate concur to Amendments 1 and 2 -- House Amendments 1 and 2 to Senate Bill 509. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 58 voting Aye, none voting No, none voting Present. And the Senate does concur with House Amendments 1 and 2 to Senate Bill 509, and the bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 691. Senator Butler. Read the bill, Madam Secretary. We're on page 12, Ladies and Gentlemen of the Senate. Madam Secretary, 691.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 691.

Offered by Senator Butler.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Butler.

SENATOR BUTLER:

Thank you, Madam President. Ladies and Gentlemen of the Senate, House Amendment No. 1 to Senate Bill 691 deletes everything and actually becomes the bill. It concerns the -- the operations of cable television companies and their relationship to property, particularly that of Manufacturing Housing Association {sic}. It -- it amends the -- both the -- the County Code and the Municipal Code, and it provides that community antenna television companies shall give due notice when they are intending to install within a residential building of a certain size - twelve units or

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

more - and it gives the property owners the -- the ability to have thirty days to either approve or disapprove the plans as submitted. Actually, the language is substantially already in our Municipal Code; however, we add this to the Counties Code and, in addition, identify manufactured housing and mobile homes. I think everyone is in agreement with this, and I would urge your support.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none - this is final action - the question is, shall Senate Bill 691 with House Amendment 1 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 55 voting Aye, none voting No, none voting Present. And the Senate does concur in House Amendment 1 to Senate Bill 691, and the bill, having received the required constitutional majority, is declared passed. Senator Molaro, Senate Bill 789? Out of the record. Senator Watson, on Senate Bill 999. Senator Watson? Senate Bill 369. Senator Dudycz. On page 10. Senate Bill 369. Do you wish your motion called? Read the motion, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 369.

Offered by Senator Dudycz.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dudycz.

SENATOR DUDYCH:

Thank you, Madam President. I move we concur to House Amendment No. 1 to Senate Bill 369. The bill required all conservators of the peace successfully to complete an approved training course for law enforcement. The House amendment provides that the Attorney General investigators may exercise their public

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

powers anywhere in the State in cooperation with local law enforcement agencies, but not having to notify them in advance. Currently, only after contact and in cooperation with local law enforcement, they provide this investigation. The language is supported by the Office of the Attorney General, and I know of no opposition.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none - this is final action - the question is, shall the Senate concur to House Amendment 1 to Senate Bill 369. All those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 54 voting Aye, none voting No, none voting Present. And the Senate does concur in House Amendment 1 to Senate Bill 369, and the bill, having received the required constitutional majority, is hereby declared passed. ...going to resume to -- on the Non-concurrence Order. Senate Bill... On the Motion to Nonconcur on Senate Bill 521. Senator Jones. Read the motion, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to nonconcur with the House in the adoption of their Amendment No. 1 to Senate Bill 521.

Offered by Senator Jones.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any discussion? All those in favor of nonconcurrence, say Aye. All opposed, Nay. The Ayes have it, and the motion carries, and the Secretary shall inform the House. Senator Molaro, on Senate Bill 789? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 3 to Senate Bill 789.

Offered by Senator Molaro.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Molaro.

SENATOR MOLARO:

Well, I think we might have a procedural problem, because I have filed a Motion to Nonconcur. So what I would like to do is withdraw my Motion to Concur at this point. Table? I would like to withdraw my Motion to Concur.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Molaro moves to withdraw his Motion to Concur and to go -- and now he wishes to have his Motion to Nonconcur. Is that correct?

SENATOR MOLARO:

Yes. I would like to make a substitute Motion to Nonconcur to House Amendment No. 3 to Senate Bill 789.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Molaro, on the Order of Non-concurrence. Madam Secretary, read the motion.

ACTING SECRETARY HAWKER:

I move to nonconcur with the House in the adoption of their Amendment No. 3 to Senate Bill 789.

Offered by Senator Molaro.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Molaro moves to nonconcur in this amendment to Senate Bill 789. All those in favor, say Aye. All those opposed, Nay. The Ayes have it. The motion carries, and the -- the Secretary shall so inform the House. Senate Bill 999. Senator Watson. Read the bill, Madam Secretary. Read the motion, please.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 999.

Offered by Senator Watson.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President. This is the bill dealing with cable television and Ameritech. I think most of you probably remember that debate. It was one in which was discussed thoroughly at the time. The issue, obviously, had a lot of people's support and a lot of people against it over here. In the House, I think due to the good folks who supported the legislation here, which I appreciate, it went to the House and an agreement now has been reached between the two parties - Ameritech, GTE, the telephone industry and cable companies. The basic difference between this bill and the other is one in which we are -- are simply saying that everybody will sit down, both the municipality and the early franchise - the first franchise - and the second party and work out an -- an agreement in which they will have something similar, as far as their contracts. There has been some opposition from the Municipal League in regard to this process, but the -- obviously, the community that would be involved is the one who controls this. They're the one who bring in the second franchisee. They ultimately could withdraw. I mean, they ultimately have the say. But the Municipal League has had some concerns. Some of the more regional municipal groups have not taken a position on the bill and, in fact, are neutral. So I think that that indicates that maybe the Municipal League's opposition isn't as great or isn't as concerning throughout the State. Basically I'd be glad to answer any questions; otherwise, I think you know the issue, but this is one who is agreed to by all parties, and I would welcome the support of, obviously, fifty-nine Senators.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Welch.

SENATOR WELCH:

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates he'll yield.

SENATOR WELCH:

Senator Watson, is this going to delay the competition in the cable TV industry for our local communities? Is it going to slow it down or speed it up?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Actually, this should accelerate it. I mean, this will create competition, and I think that's what the Telecommunications Act wanted to do and I believe that's -- that's what we're attempting to do here, is create some competition.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Welch.

SENATOR WELCH:

Existing contracts with -- with cable TV franchises would be renegotiated if the city allows a new franchisee to come in, I believe, under the bill. That includes existing franchisee may be required to lower their rates to existing customers. Is that true?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

That -- that would be possible, yes.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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

SENATOR WATSON:

I appreciate, like I said, fifty-eight fellow Senators' green lights.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The -- this is final action. The question is, shall Senate Bill 999 with House Amendment 1 pass. All those in favor will vote Aye. All opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? On that question, take the record. There are 57 voting Aye, there are none voting No, none -- 1 voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. And -- and the Senate does concur in House Amendment 1 to Senate Bill 999. And this amendment is passed and concurred. On page 14 of today's Calendar is the Order of Secretary's Desk, Non-concurrence on House Bills. The intent of the Chair is to proceed to that Order for the purpose of entertaining Motions to Refuse to Recede. House Bill 228. Senator Lauzen. Out of the record. House Bill 310. Senator Lauzen. Out of the record. House Bill 470. Senator Rauschenberger. Read the motion, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to refuse to recede from the Senate Amendment -- Senate Amendments 1 and 2 to House Bill 470 and request that a conference committee be appointed.

Offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

All those in favor, say Aye. All opposed, Nay. The Ayes have it. The motion carries. The Secretary shall so inform the House. House Bill 1215. Senator Dudycz, on a Motion to Nonconcur? Out of the record. Page 16. House Bill 1887. Senator Karpziel? Senator Karpziel, House Bill 1887, on the Motion to Nonconcur -- you refuse to recede? Read the motion, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to refuse to recede from Senate Amendment No. 1 to House Bill 1887 and request that a conference committee be

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

appointed.

Offered by Senator Karpziel.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

All those in favor, say Aye. All opposed, Nay. The Ayes have it. The motion carries. The Secretary shall so inform the House. House Bill 2164. Senator Mahar. Read the bill, Madam Secretary -- the motion.

ACTING SECRETARY HAWKER:

I move to refuse to recede from Senate Amendments 1, 2, 3 and 4 to House Bill 2164 and request that a conference committee be appointed.

Offered by Senator Mahar.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

All those in favor, say Aye. All opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the -- the House. House Bill 2209? Senator Petka. Senator Petka, House Bill 2209. Read the -- read the motion, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to refuse to recede from Senate Amendment No. 1 to House Bill 2209 and request that a conference committee be appointed.

Offered by Senator Petka.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

All those in favor, say Aye. All opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. We will now go to the Senate Calendar of the General Assembly, Supplemental No. 1 of Wednesday, May 21, 1997. It has been already distributed. We are at Secretary's Desk, Concurrence on Senate Bills. Senate Bill 6. Senator Radogno. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

Amendments 1 and 2 to Senate Bill 6.

Offered by Senator Radogno.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Madam President. This bill, when it passed out of this Chamber, was a shell bill. It was intended to create the Sexually Violent Persons Commitment Act. House Amendment 1 becomes the bill and contains the substance. House Amendment No. 2 simply makes some technical changes. This bill allows for the civil commitment of -- at the conclusion of a criminal sentence of those sex offenders determined by the court to have a substantial probability of committing further sex offenses. Currently, civil commitment can be used as an alternative to criminal prosecution, but this legislation will allow for criminal sentencing and then civil commitment, if needed, to protect society from these sex offenders. It's anticipated...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Just a moment, Senator Radogno.

SENATOR RADOGNO:

Could we please have it a little more orderly? Senator Radogno -- Radogno.

SENATOR RADOGNO:

Thank you. It is anticipated that this bill will impact about fifteen to twenty offenders per year in the State of Illinois, and this is based on the experience of other states, a number of which have similar legislation. In other words, the worst of the worst, in terms of sex offenders, will be kept off the streets. So I'd be happy to try to answer any questions and would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

- this is final action - the question is, shall the Senate concur in House Amendments 1 and 2 to Senate Bill 6. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 59 voting Aye, none voting No, none voting Present. And the Senate does concur in House Amendments 1 and 2, and this bill, having received the required constitutional majority, is declared passed. Senator Watson.

SENATOR WATSON:

Thank you, Madam President. I didn't mean to startle you, but I wanted to get your attention. I have some guests -- more guests here. In -- in the Senate gallery behind the Democrat side of the aisle is the Brownstown Sixth-Grade School and they're here visiting us today. And we'd certainly like to welcome them, and I would appreciate it if they'd stand and be welcomed.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Will our guests rise? And welcome to the Senate. We're happy to have you. Senate Bill 71. Senator Petka. One moment, Senator Petka. It would be very much appreciated, Ladies and Gentlemen of the Senate, if you would please tone down your conversations so that I don't hear them. And I am hearing them. Please, let's give the courtesy of the sponsors of these bills to be heard. Senator Petka, on -- read the motion on Senate Bill 71, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 71.

Offered by Senator Petka.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Petka.

SENATOR PETKA:

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

Well, thank you very much, Madam President and Members of the Senate. Senate Bill 71 contains two House amendments. One House amendment would permit a handicapped person who is hunting from a standing vehicle to transport a shotgun legally in an all-terrain vehicle. Probably the more controversial of the amendments, though, is House Amendment No. 2. House Amendment No. 2 does the following things: First of all, it raises penalties for unlawful use of a weapon from a Class 4 to a Class 3 felony for second and subsequent offenders. Additionally, any person under the age of twenty-one would also have a Class 3 felony penalty if they are convicted, and if a person is a member of the organized streetgang, we would enhance the penalty from a Class 4 to a Class 3. Additionally, Madam President and Members of the Senate, an individual who is above the age of twenty-one, who is arrested and convicted, would have a penalty for -- of up to one year in jail and a thousand dollars, which currently the -- the penalty is a Class 4 felony. Like to just briefly explain the policy reason for doing this. When we passed the Safe Neighborhoods bill, in December of 1994, the ostensible purpose for doing that was to target streetgang offenders, and we had a very long bill, going up to a couple hundred pages. Unfortunately, what we have seen is that individuals are being arrested who are simply not streetgang members and never -- probably would never, ever be streetgang members. The legislation simply restores to -- the penalty to -- as it existed prior to the streetgang legislation being approved by this General Assembly. And, Madam President, I will entertain any questions that may -- the Members may have.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. {sic} President, Ladies and Gentlemen of the Senate. Senator, how does this bill really, truly differ from

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

being a right to carry?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Petka.

SENATOR PETKA:

Well, Senator, carrying a firearm is -- will still be punishable. It'll be a crime. Penalties will be either a misdemeanor, which is up to a year in jail, or the enhanced penalties, for the three categories I already described, would be a Class 3 felony.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jacobs.

SENATOR JACOBS:

Well, it seems to me, Senator -- and I don't -- you know, I don't have any great qualms with what you're trying to do here, but I -- I know there are some Members on this side of the aisle that have some great concerns with voting for a right-to-carry bill. But it seems to me that -- that, with everything else we're doing in this Body, we are making an attempt to make the penalties tougher. Here's a case where you are making the penalties lesser for something that is a method to get around a right to carry.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Petka.

SENATOR PETKA:

Senator Jacobs, under current law, if a person is convicted of a Class 4 felony and receives a one-year prison sentence, the longest that a person will serve within the Department of Corrections is ninety days, if that. If the penalty, believe it or not, is reduced to a Class A misdemeanor, misdemeanants are not eligible for meritorious good time, so that a person who is convicted of the same offense as a misdemeanor and was given exactly the same sentence will get twice the time.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

Senator Jacobs.

SENATOR JACOBS:

Yeah. Senator, I understand that. You're basically talking about the maximum, but let's talk about the minimum. It's my understanding, you can still get probation. So, to me, you know -- and -- and don't get me wrong. I'm not trying to debate here what you're doing. I just want to bring to the attention of our side, for those who don't want to vote against -- don't want to vote for this, that there are some pitfalls, and what we are doing is truly, in my estimation, giving a limited right to carry, even though there are penalties involved. And I just -- it's a neat way of doing it. I'll tell you that. I have to give you a lot of commendation on the ability to come up with a way to get a right to carry that'll probably pass.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Petka, did you wish to respond?

SENATOR PETKA:

...like to respond to the last statement made by the speaker. This is not right-to-carry legislation, Senator. A person who is picked up, who's still in violation of the law, will carry a misdemeanor conviction. Right to carry is a complete exoneration, sir, so you're still in the throws of having -- being subject to criminal prosecution.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Jacobs, are you done? Good. Senator Cullerton.

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. We just heard testimony on this bill this morning in Judiciary Committee. There was some implications -- or, indications that this -- this current law was kind of snuck into a big conference committee

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

report and we didn't really know what we were doing. But I -- I -- I don't think that was the case. We have to -- we have to acknowledge that -- that this Body in the past has voted to raise this penalty to a felony. In fact, we did it on April 14th, 1994, at 2:28 in the afternoon. We voted on Senate Bill 1707. Fifty-three to nothing, we passed it. It was sponsored by Senator Philip and Hasara, and it amended the Criminal Code and it increased the penalties for certain violations of UUC from a misdemeanor to a felony. We made that conscious decision back then. It was, at that point in time, supported by the Edgar Administration, the Illinois Sheriffs' Association, the Illinois Chiefs of Police, and the State Police, and the only opponent at that time was the Pike-Adams Sportsmen's Club. Now, we then have passed this law, and as was testified today at the committee by the opponents, which included the Chicago Police Department and the City of Chicago, you know, this law is being enforced. There -- maybe it's a little much -- little bit of a stretch to suggest that the lower use of weapons in Chicago is the result of -- was the result of the passage of this bill, but nonetheless that is -- that is the case. There has been a reduction. My problem with the bill is not so much that we're lowering a penalty, because there probably are a lot of other penalties that we ought to look at that could -- reconsider whether or not we should be as harsh as we are. But, generally speaking, in this Body, we don't do that. We raise penalties. We don't lower penalties. But because this particular measure is supported by the Rifle Association and the NRA, we're all of a sudden, you know, paying attention to the fact that maybe we should make this only a misdemeanor instead of a felony. You know, a -- an habitual loiterer, a habitual loiterer, will be a more serious offense than carrying a concealed weapon around, in this State. And all I'm saying is, if we're going to do this the right way, we ought to look at all of the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

Criminal Code and see whether or not they are -- these sentences are fair and right. I think that -- in the past when we made a misdemeanor a felony, even though we knew someone could go to jail for a year if they were convicted of a misdemeanor, we said, "We're making it a felony 'cause we want to send a message." Well, if it works that way when you raise a penalty, it works that way when you lower a penalty. And I don't think that's the message we want to send, by lowering the penalty for this offense.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Molaro.

SENATOR MOLARO:

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

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will.

SENATOR MOLARO:

I -- I think I heard him correctly, or I want to make sure 'cause it was a little noisy, that one of the good reasons for doing this is that you may be able to get more -- more of a punishment and more time as a misdemeanor than a Class 4 felony. Did I hear it correctly, sir?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Petka.

SENATOR PETKA:

That is -- that is, in fact, the case, yes.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Molaro.

SENATOR MOLARO:

Then maybe what we should do is put this in a conference committee and then maybe we could tack on the bill and we could make all Class 4 felonies misdemeanors - all of them. This way -- this way we can get all those Class 4 felons the way we really

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

want to get 'em. So I would suggest that we go to conference committee report -- we vote No, go to conference committee report, and then we'll make all Class 4 felonies misdemeanors, and we could accomplish that. In addition, I'll make -- I'll just make one comment. For those of you who know criminal lawyers and -- who practice law, they will tell you that the result of making this a felony has really upset their practice because of the fact that they will tell their clients now, "Hey, usually when you got caught with a gun - you know what? - we can work it out. It's a misdemeanor. We'll wind up in certain branch courts. We can go with judges who can't hear felonies, who are just associate judges." And it was not considered a serious offense. Hence, misdemeanor, felony; serious, more serious. We decided in the General Assembly is to make this a more serious crime, and it has, in fact, done that. Now we're giving a message and say, "All you practicing attorneys, let your clients know that in the infinite wisdom of the General Assembly, we decided to take this crime that we made more serious and make it less serious." And I think it's a mistake, unless we're going to take all Class 4 felonies and make them misdemeanors. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Dillard. Further discussion? Hearing none, Senator Petka, to close.

SENATOR PETKA:

Well, thank you very much, Madam President and Members of the Senate. It is...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Go ahead, sir.

SENATOR PETKA:

It is somewhat interesting to try to gauge the intensity of the opposition in connection with this. First of all, my esteemed colleague, Senator Cullerton, Senate Bill 1707, which you

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

correctly pointed out, did pass this Body; in the Chamber across the Rotunda, they had second thoughts. We had -- we'd realized that perhaps we didn't do the right thing. The brakes were put on, and the thing died. As far as the -- I will assume, Senator Molaro, that that was somewhat tongue-in-cheek about reducing all the felonies. But, Ladies and Gentlemen, there is a very compelling reason for passing this legislation, and that is simply this: We have had documented instances of people who are not criminals being treated like criminals. The most recent example I can give to you is a football player, Alonzo Spellman, who, when stopped by the police for speeding, was asked whether or not there was anything in his vehicle that they should know about. And in his glove compartment of his vehicle, he had a firearm. He was picked up, placed in jail and kept behind bars overnight. We had a reported instance of a minister from the State of Indiana who walked into a police station with a firearm, in Illinois, lawfully carrying it from Indiana. He checked in the firearm, said, "I've got to make a complaint against some people." He was charged on the spot with a felony. We had a -- a document that was circulated in Executive -- or, in Judiciary Committee of a woman who was being accosted by three armed males, and she pulled out a firearm and she was able to escape the situation and guns were fired at her. She drove off, was -- made a complaint, and then was charged and prosecuted, for defending herself, on a Class 4 felony. We're not easing anything here other than simply stating that for first-time offenders above the age of twenty-one, that they'll be a misdemeanor. The gangbangers are going to have their penalties upped from a Class 4 to a Class 3. Those individuals who are under the age of twenty-one, who -- where it is now illegal to carry a firearm, will have their penalties enhanced. And those members of organized streetgangs, which was the original target of the Streetgang Racketeering Act and the Safe Neighborhoods Act,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

are also going to have their penalties enhanced. I think that this is an excellent piece of legislation which demonstrates a commitment to not only remove violent offenders from the streets, but also - also - takes out a -- an unintended class from legislation that passed in 1994. I urge its adoption.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

This is final action. The question shall -- is, shall the Senate concur in the House Amendments 1 and 2 of Senate Bill 71. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Had all voted who wished? Take the record. On that question, there are 36 voting Aye, 14 voting Nay, 9 -- 9 voting Present. And this bill -- this Senate does concur in House Amendments 1 and 2 to Senate Bill 71. And this bill, having received the required constitutional majority, is hereby declared passed. Senator Watson, on Senate Bill 315. Read the -- the motion, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 315.

Offered by Senator Watson.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Watson.

SENATOR WATSON:

Yes, thank you. That is my motion. This amendment came to us from Representative Duane Noland, a constitution of his who would like to establish the Water Rescue Act in order to recognize the existence of specially trained underwater rescue and recovery persons in -- in the State Statute. There's no objection, and I'd ask for your consideration.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, the question is -- this

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

is final action, Ladies and Gentlemen of the Senate. The question is, shall Senate Bill 315 with House Amendment 1 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 59 voting Aye, none voting No, none voting Present. And this bill -- this -- the Senate does concur in House Amendment 1 to Senate Bill 315, and the bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 316. Senator Fawell. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 2 and 3 to Senate Bill 316.

Offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This explanation may be a little bit long, but I was asked to do this for legislative intent. These amendments to the Health Care Workers Background Check Act are the result of the work of the Task Force created by that Act. Although we have not completed our work, we have determined that these issues should be addressed this year. Amendment 2 adds certain crimes to those already included in Section 25. The amendment also specifies that a health care employer who has already done a background check on an employee need not to do another check for these additional crimes, but is not prevented from doing so. Amendment 3 states that if a health care employer provides inaccurate information and a health care worker is suspended from employment based on that information, the employer is liable for back pay. It is not the intent of this bill to change the responsibilities and rights of both the employee and

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

the employer under Section 7 of the Uniform Conviction Information Act. The Section states that -- the employee has the responsibility to notify the State Police and that the employer within seven working days of receipt of the results of that background check if the information furnished is inaccurate or incomplete. The employee is responsible for mitigating the damage caused by the inaccurate information. Notification to an employer will allow the employer the opportunity to reevaluate the suspension and take corrective action, thereby limiting liability. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senator yield for a question?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

She indicates she will.

SENATOR JACOBS:

According to our analysis, Senator, it says the current law gives an employer immunity from any liability as a result of discharging an employee who fails a background check. Who -- who makes that determination as to whether they actually failed, or -- or, also, then, are we just saying that if they claim that they fail? Do they have to prove that they failed? Is there recourse to the courts to say I did not fail that test, or -- or did not fail my background check? Is there any recourse to that?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

Well, the bottom line is that the -- that the employee has the responsibility to notify the State Police. They get this information from the State Police. If the -- if the State Police

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

has inaccurately reported, then they -- the employee has the right to go to the State Police within seven days and say, "Wait a minute, you know. That's the wrong John Doe. Pull up my record if I have any." And then that, in truth, will straighten the situation out.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Anything further? Senator Jacobs.

SENATOR JACOBS:

So I understand the amendment, Senator: We are saying that if an employer -- employee is fired because of an error, he would receive his job, if -- if that were the case, plus any back pay. Is that correct?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

Yes. If -- if he is incorrectly -- if the employer provides inaccurate information and -- and a health care worker is suspended from employment based on that information, then the employer is liable for the back pay.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Madam President. I'll be real quick. I -- I said this in committee, and I talked to the people from Department of Health -- Public Health, and I would just hope that sometime when they start looking at this and they start talking about waivers, there's a couple of crimes in here that I think have no correlation, such as forgery. If someone nineteen years old passes a bad check or signs his mother's name or stepfather and they come, that this -- this doesn't bar them from being a health worker. The other thing... But it does. I'm hoping that somehow the Department can figure out what to do about that. The other

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

thing is I don't see in the amendment, and I also hope they can do this, that they'll put some time limits on certain crimes, meaning that if you're a forger at nineteen and you go through a lot of stuff, and now you're thirty-nine years old and you go apply for a job and they say you can't have it because you passed a bad check or signed your mother's name when you shouldn't have done it, or stepmother's. I think that's some problems with it. However, the overriding issue makes a lot of sense. So I would just hope that the sponsor would work with the Department of Health to expand the waiver part of this. So, thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Myers.

SENATOR MYERS:

Madam President, a point of personal privilege, please.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your point, ma'am.

SENATOR MYERS:

I would like to introduce to you, in the gallery over beyond the Democrats, behind the Democrats, the North Ridge Middle School, and Ms. Claire Manning, their teacher. They're visiting today from Danville.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Please rise, and welcome to Springfield. Any further discussion? Seeing none, Senator Fawell, to close.

SENATOR FAWELL:

Thank you. Just wanted to clarify that there is a waiver in process right now. You -- you can get a waiver under the present law. So I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

This is final action. The question is, shall the Senate concur in House Amendments 2 and 3 to Senate Bill 316. Those in favor, vote Aye. Those opposed will vote No. And the voting is

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 57 voting Aye, none voting No, none voting Present. This motion -- this -- the Senate does concur in House Amendments 1 and 2 in -- 2 and 3 - I'm sorry - 2 and 3 in Senate Bill 316, and the bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 366. Senator Parker? Read the motion, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 366.

Offered by Senator Parker.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker.

SENATOR PARKER:

Thank you, Madam Chairman. This is the -- actually, the same language that we had used just for clean-up legislation for 366, which we passed last Session. And what it does is -- the reason why we still need this bill is to further get the implementation date earlier, at July 1st, this year, instead of January of next year. And it includes the same language for a definition of "egregious", as is in 165, House Bill, that has already passed.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none - this is final action - the question is, shall Senate Bill 366 with House Amendment No. 1 pass. And does the Senate concur in House Amendment 1 to this Senate bill. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 56 voting Aye, none voting No, none voting Present. And the -- the Senate does concur in House Amendment 1 and -- to Senate Bill 366, and the bill, having

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

received the required constitutional majority, is declared passed. Senate Bill 368. Senator O'Malley. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 368.

Offered by Senator O'Malley.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President and Members of the Senate. Senate Bill 368, as it left the Senate, provided that a child support order shall include a provision requiring the obligor to report to the obligee each time the obligor obtains a new job and each time the obligor's employment is terminated for any reason. In the House, Amendment No. 1 was put on to clarify the intent of the legislation. The amendment specifies that the obligor must report new employment within ten days, 'cause no time period was specified in the original legislation, and that the report shall be in writing. Incidentally, the reporting shall be to both the obligee and the clerk of the court where the original order was filed. It further provides that criminal contempt sanctions are permissible if the failure to report is coupled with nonpayment of support for a period in excess of sixty days. The language that's contained in the amendment was suggested by the Illinois State Bar Association. I'd be happy to answer any questions you may have.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none - this is final action - the question is, shall Senate Bill 368 -- the Motion to Concur on Senate Bill 368 pass, on House Amendment 1. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Take the record.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

On that question, there are 58 voting Aye, none voting No, none voting Present. The Senate does concur in House Amendment 1 to Senate Bill 368, and this bill, having received the required constitutional majority, is declared passed. Senate Bill 381. Senator Fawell? Read the bill -- the motion, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 381.

The motion offered by Senator Fawell.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This was the the bill on frivolous -- prisoner frivolous lawsuits. Amendment No. 1 was offered at the request of the Department of Corrections. It makes prisoners responsible for filing fees, as well as court costs. It also adds as a criteria to the frivolous definition that a filing, quote, "lacks an arguable basis in law or in fact", unquote. This language tracks the federal Prisoner Lawsuit Reform Act and conforms with the federal case law regarding due process. The amendment also changes language in prior frivolous lawsuit Acts concerning taking away good time and conforms that language with the language in the bill. Amendment 2 was requested by the Administrative Office of the Illinois Courts. It specifies that court reporters may furnish and be paid for more than one copy of the transcripts. This change is necessitated by recent death penalty reforms when more than one appeal pending may be occurring at the same time. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator, are you moving to concur on Senate -- House Amendments 1 and 2? Senator Fawell.

SENATOR FAWELL:

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

1 and 2.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

To Senate Bill 381.

SENATOR FAWELL:

Yes.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

All right. This is -- those -- all -- those in favor... Any discussion? I'm sorry. Senator Collins.

SENATOR COLLINS:

Senator Fawell, I understand that -- what -- basically what you're trying to do here is to prevent frivolous lawsuits against prison officials, but I'm -- I'm afraid that given the environment and circumstances surrounding our prison system in Illinois, that this will also discourage prisoners, inmates, from reporting or trying to bring charges against unscrupulous employees in the prison system. And -- and -- and it's evident from the report that we received from the House report and other kinds of studies that went on, in the prison system - and I -- and I guess that's what you're trying to get at - that there are some real problems that need to be dealt with, and it has to do with administration and staffs of those institutions, in addition to the gangs. So I think that the prisoners are already intimidated enough and have enough intimidated -- intimidating forces around them to keep them from bringing frivolous charges because of the fact, the fear that they will lose those charges and what will happen to them in case they do lose and have to remain there. So I'm not so sure here that what you're doing, although well-intended -- and no one should be allowed to just get away and file frivolous suits against people. But you know and I know that these people don't have the money. So what in case -- what -- if they do and they don't have the money to pay, what happens then?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

Senator Fawell.

SENATOR FAWELL:

If -- if they -- if they file a suit that has merit behind it, it will not be declared a frivolous lawsuit. The judge has to make that -- that specific case, declaring whether it's a frivolous lawsuit after all evidence is in.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Collins.

SENATOR COLLINS:

Senator Fawell, I'm fully aware of that. My question is: What if the inmate is one of those persons who've not been able to work, does not have any money or fund there? Where will he or she get the money from to file the suit, just in case it's ruled frivolous by the judge? I understand that process. The ruling of the -- of the -- or not being ruled in the affirmative on the part of the -- the petitioner is not the issue. The issue is, what happens when they can't and they know in advance that they don't have the money to pay?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

All prisoners do have an account and money is placed in that account.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Collins, for the -- again.

SENATOR COLLINS:

Are you telling me that every prisoner that we have in our institution has an account, a bank account, in prison?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

Yes.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

She indicates she will.

SENATOR HENDON:

Senator Fawell, who will determine whether the suit filed by the prisoner was frivolous or not? Who will make that determination?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

The judge, after all evidence is in.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hendon.

SENATOR HENDON:

The -- another part of the bill, on the good time, where a prisoner will lose his good time if he files a frivolous lawsuit, is this if they've filed just one?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

Yes, he will lose good time if he insists on this action.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hendon.

SENATOR HENDON:

It doesn't matter. I mean, if he just does it one time, he loses his good time, for just one frivolous filing?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

If the judge declares that it's frivolous. But this bill doesn't really have anything to do with good time, per se.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Hendon. You're done. Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President. Before some of you decide that maybe you want to look up there and see a couple of red lights on, you start to vote No, you better realize what you're about to do. I -- I'm sitting in my home reading the St. Louis Post-Dispatch, oh, last -- some time last fall, and there was a letter to the editor from an inmate in a Missouri correctional center who was complaining about the fact that the Missouri correctional system had decided -- a judge who -- a judge in a court had decided that his case had been frivolous and, therefore, demanded him to pay the cost. It was around four hundred dollars. Here was this poor inmate complaining in the Post-Dispatch about the fact that, yes, indeed, he was going to be required to pay these fees. And I thought to myself at that time, I wonder if we do that in Illinois. So I -- I got ahold of the Department of Corrections and -- and they said, "No, we don't have that particular law in Illinois." And -- and I thought, well, we ought to have it. So I contacted our staff and it so be that Senator Fawell had already given it consideration and introduced it, so I got on as a cosponsor. I wanted to write this guy in Missouri thanking him for bringing this to my attention. But the facts of the matter is, if you talk to the Director of the Department of Corrections and realize the millions - literally, millions - of dollars that we spend in this State on litigation, and much of which is frivolous litigation, in behalf of inmates who are incarcerated in this State, you would be surprised - not only the -- the dollars that we pay out, but the time. And -- and the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

Director, at that point in time, talked about how he was flying all over the State to go to different courts. We are busing people all over this State to take them to court. We're taking correctional officers out of the correctional facilities so that these inmates can go to these particular court hearings. So I think this is an excellent idea, one that obviously will save money for the Department of Corrections and the taxpayer and maybe cut down on a lot of the ridiculous cases that are brought forth in behalf of inmates in this State. So I ask for your support.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Collins, for a second time. May I please ask the Senate Members to quiet the -- speak with the conversations...

SENATOR COLLINS:

Yeah. When I was speaking before, I -- I really did get cut off because I was asking a question and I -- then I was interrupted. Senator Watson's statement that he read this letter where an inmate had written to one of the papers complaining about the problems of -- of one of the institutions, of course, brought charges and -- and he was found not -- they were found to be frivolous. And any -- I guess any time that they find that the complaints are -- are not true, at that point in time then they would be deemed frivolous. However, what we are overlooking here, if, in fact, that there is a legitimate problem in the prison system, because in Illinois the prison system - and I don't care what you say, I'm talking about fact that I know - is basically the gangs have major control in the prison systems. No doubt about it. It's just like how the drugs get into the communities that lead to most of the inmates from certain -- from our communities being in the prisons in the first place. What you have is gang members and other people going in testifying against -- at the hearings, testifying against the -- the person who may

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

be wanting to -- to go in, serve their time and do the right thing. But because they are not governed or becomes a part of the gangs, it's just like what happens in the real community. These people, many of them, are set up, charges are brought against them, and any opportunity that they can find to testify against that kind of inmate, they will do it. What we need to focus on -- if all things were equal, I would say, yes, this is what we should do, because no one should get away with bringing about frivolous suits and Illinois spending unnecessary money. But we need to also, first, clean up the system. We need to clean up the administrative function of those prisons. We need to get -- take out the gang control out of those prisons, and we need to give those people a real opportunity in there to -- to go in, serve their time and come out and be productive citizens. That is not happening. All you're doing right now is stopping these people who want to do, maybe, the right thing, a lot of them, from going in, making complaints so that they can serve their time and be left alone and come out and -- and be a decent citizen.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Are you finished, Senator Collins? Senator Petka. Senator Hendon, for a second time.

SENATOR HENDON:

I do apologize for rising a second time, Madam President. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

She indicates that she will, Senator Hendon.

SENATOR HENDON:

And, Senator Fawell, I do apologize, but this is very important. Recently we've had a rash of prisoners who were released and subsequently found innocent, who were on death row and -- on -- on charges where they were eventually found innocent. Now, in those cases, if -- if this was law, could they have

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

continued to appeal those cases throughout the years, or would they would have had to bear the cost of appealing these cases or filing these suits if they acted on their own -- as their own attorney?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

I know the cases you're talking about, and, of course, those would have been defended. There would not -- they would not have been declared frivolous lawsuits. In fact, the court remanded the other courts and it was sent down to the circuit court and round and about. No, those weren't frivolous lawsuits. Those had merit to it, and they would not have been charged.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hendon.

SENATOR HENDON:

As I read the -- the bill, it says that frivolous means if -- if it has no bearing "either in law or in fact". So if the judge agreed -- determines that they have no factual basis, then can't that be ruled to be frivolous?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

No.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hendon.

SENATOR HENDON:

Okay. Well, let me -- then the -- the wording "in law" and "in fact" should not be in the bill. Is that -- is that correct? Because it says, as I read it, that frivolous is determined if it has no basis "either in law or in fact". The facts... Thank you, Madam President. The facts in the murder case, in the Rolando

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

Cruz case and the other case, the Ford Heights case, the facts came out later. When the facts finally came out, that's when they were released. But up until their release - ten years, fourteen years - the judges had ruled that they did not have the factual evidence to free these men. So that's the problem that I have. It's not that they don't have no basis as in law, but in fact. Fact can actually come out to be something different than it appeared at -- at first. And, you know, I think you should at least take it out of the record and at least take that -- that particular phrase out of there, because that leaves a lot of latitude. There are a lot of fine judges in this State, but sometimes judges make mistakes. Sometimes judges send innocent people to prison. Clearly that is the case or we wouldn't have all these innocent people being let out now.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Fawell.

SENATOR FAWELL:

I think if you look up "arguable basis," you will find in BLACK'S LAW DICTIONARY that there is case law which -- which is in the federal courts, and -- and that's what -- that's what is -- has been defined as frivolous acts.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Hearing none, Senator Fawell moves to concur in House Amendment -- in Senate -- in House Amendments 1 and 2 to Senate Bill 381. Those in favor will vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 54 voting Aye, 4 voting Nay, none voting Present. And the Senate does concur in House Amendments 1 and -- 1 and 2 to Senate Bill 381. Senator Fawell, on House Amendment 4. Senator Fawell, on House Amendment 4 to Senate Bill 381. Senator Fawell. Read the motion. Yes, Senator Fawell.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

SENATOR FAWELL:

I want to -- I want to nonconcur on Senate {sic} Amendment No. 4. It's a technical amendment is all.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

All right. Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Madam President, Members of the Senate. Senator Fawell, I assume, then, that this bill is, indeed, going to go to conference committee. I understand we did concur with those other amendments. But I would suggest that, perhaps, since it is going to go to conference committee, maybe some of the issues that were raised during the debate on the previous amendments might be addressed, if there's any ambiguity, if there's a way in which we can clarify that. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

All those in favor of nonconcurring in Senate -- Senate -- in House Amendment 4 to Senate Bill 381, say Aye. All opposed, Nay. The Ayes have it. The motion carries. The Secretary shall so inform the House. Senate Bill 408. Senator Cullerton. Read the bill, Mr. -- read the motion. Senator Cullerton. Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Madam President, Members of the Senate. I -- my original motion was to concur. Indeed the Motion to Concur came out of committee today. But after it came out of committee, I -- I discovered that there's some improper wording in the amendment. So I wish, at this time, to nonconcur on this House Amendment No. 1 to Senate Bill 408.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senate Bill 408 is on the Order of Non-concurrence with Amendment -- House Amendment 1, and Senator Cullerton moves to nonconcur in House Amendment 1 to Senate Bill 408. Any

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

discussion? Hearing -- all those in favor, say Aye. All opposed, Nay. The motion carries, and the Secretary shall so inform the House.

PRESIDING OFFICER: (SENATOR DUDYCZ)

On the top of page 3 of your Supplemental Calendar No. 1 is Senate Bill 500. Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 500.

The motion filed by Senator Klemm.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm. Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. Senate Bill 500 changes the threshold for State agencies in remodeling, renovation, and construction projects. It was originally raised from five thousand to thirty thousand, but that was removed and now what we've done is allow the Capital Development Board to designate some repair or maintenance projects as not being the practice of architecture, professional engineering, or structural engineering projects, such as replacing a broken sidewalk on a school does not require an architect to certify to that. This will certainly reduce some of the costs for these smaller projects. It's an agreement by the Architects' Association, the Community Colleges, and there's no opposition. I do ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 500. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

the Senate does concur in House Amendment No. 1 to Senate Bill 500, and the bill, having received the required constitutional majority, is declared passed. House Bill 561. Senator O'Malley.
Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 561.

The motion, by Senator O'Malley.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 561, as it was originally approved in this Chamber, required that the workforce preparation and development goals and implementation strategies within the State be recommended to the General Assembly and Governor, rather than adopted by the Human Resources Investment Council. Under -- in effect, under Senate Bill 564 {sic} the goals and strategies would be recommendations to the Governor and the General Assembly, giving the General Assembly more direct input and certainly the ability to ratify. In the House, Representative Phelps offered an amendment to Senate Bill 561 that adds to its contents, and it provides that any such goals and strategies that are not ratified by the General Assembly by joint resolution within seven months after the effective date are deemed to be revoked. I would be happy to answer any questions you may have, and would appreciate your affirmative support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 561. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendment No. 1 to Senate Bill 561, and the bill, having received the required constitutional majority, is declared passed. House {sic} Bill 689. Senator Donahue. Senate Bill 689. Senator Donahue. Senate Bill 710. Senator Fitzgerald. Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 710.

Motion by Senator Fitzgerald.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. First, the original bill clarifies an ambiguity between the Code of Civil Procedure and the Uniform Commercial Code so that it is clear that the statute of limitations to enforce a promissory note is ten years. The House Amendment No. 1 references the notice requirements for certain actions against the Chicago Transit Authority. Under current law, an injured person must formally serve notices on the CTA offices that he or she has been injured within six months of the injury. Failure to do so bars any action against the CTA. No other unit of local government enjoys such a procedural defense. This amendment tries to mitigate the harshness of this rule by requiring that the CTA, by certified mail, notify the injured person of the six-month notice if the injured person advises the CTA in writing that he or she was injured by the CTA. The CTA does not object to this amendment. Also, House Amendment No. 2 is from a bill that passed out of the House 110 to nothing several weeks ago. It makes the liberalized evidentiary rules of Supreme Court Rule 90 that apply to court-annexed arbitration also apply to uninsured and underinsured

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

motorist cases. There are no known opponents to this amendment, and Allstate and the Illinois Defense Council also support this amendment. These are initiatives of the Illinois State Bar Association.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Will the sponsor yield for a couple of questions?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, on House Amendment No. 1, the CTA amendment, I raised a question in committee this morning as to whether the notice has to be in writing in all cases before you trigger this defense. Is it your intention that -- that the notice to the CTA, the initial notice that we're allowing with this bill, must be in writing?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fitzgerald.

SENATOR FITZGERALD:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

And as to House Amendment No. 2, which allows the relaxed, streamlined rules of evidence to apply to uninsured and underinsured cases, are these cases -- could they be personal injury actions in which one of the vehicles is uninsured or -- or underinsured? Is that the kind of case we're talking about here?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fitzgerald.

SENATOR FITZGERALD:

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

And are these relaxed rules of evidence that we're permitting here to apply only in cases where all the vehicles are uninsured or underinsured, or could it apply in a -- in a case which involves two or three vehicles, only one of which happens to be uninsured or underinsured?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fitzgerald.

SENATOR FITZGERALD:

My understanding, Senator Hawkinson, was that it could be a case in which one is uninsured and another is not.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Well, I guess I would question that response, because it would seem to me that the idea here would be that in a low-dollar figure case or where one of the vehicle -- where the defendant's vehicle is uninsured or underinsured, you might want to do this. But say you've got a -- a major, major personal injury case involving multiple plaintiffs and multiple vehicles. It would seem to me you would not want the relaxed rules to apply to that entire litigation. So I -- I guess I would hope that your answer would be otherwise; that these relaxed rules would only apply where there's a sole defendant and that defendant happens to be uninsured or underinsured, but maybe you could get clarification for us on that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fitzgerald.

SENATOR FITZGERALD:

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

I -- I will check on that, but I would point out that this is language that both sides -- Allstate supports and the Illinois Defense Council and the Illinois State Bar Association support and that there are no opponents to it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

That's what leads me to believe that your answer is incorrect. I can't believe they would -- would agree to these different set of rules in major litigation where you had, say, one party with a million-dollar policy and -- and the other defendant happened to be uninsured. I -- I -- my guess is that this is only intended to apply to those -- those cases where there are not many assets involved, the amount of the litigation is not worth the extended discovery and so forth, and -- and you have, perhaps, a sole defendant who is uninsured or underinsured and without other sufficient assets. But I -- I'm going to assume that they -- the Bar knows what they're doing, but I wish you'd check on that for us.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Molaro.

SENATOR MOLARO:

Yes. Thank you, Mr. President. First of all, anybody who's ever been injured in a CTA accident, or knows anyone, their notice requirement is really onerous. I mean, it's -- you have to fill out certain ways, certain things, and most people would think that if you're involved in an accident, all you would have to do is send a letter to the CTA and say, "I was involved in an accident on such and such a date and I hereby give you notice." That's not nearly enough to even come close to the notice requirement. So I have a question for the Senator, if he would yield.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

Sponsor indicates he will yield. Senator Molaro.

SENATOR MOLARO:

I -- I don't have the amendment in front of me and I'm trying to put it on the screen and I can't get it, but when it says that the -- the CTA must send -- furnish a copy of the Statute, "any action commenced against the Authority shall not be dismissed", do you get six months from the time you get their notice, or is it still six months from the accident? Meaning, I guess, if -- if somebody waits four or five months and they're told, "Oh, by the way, you better let the CTA know about this", and we send them a letter, then by the time I get it back, I might get it back, and only have a couple of days.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fitzgerald.

SENATOR FITZGERALD:

The amendment reads six months from the date the injury occurred, or the cause of action arose.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Then it -- it does -- it does stick with the cause of injury was the date of the accident, obviously. So it does stick with that. We're not saying that it tolls the Statute until you get the notice.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fitzgerald.

SENATOR FITZGERALD:

Correct.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Last thing, I'll be real quick. Then I assume if you're in an

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

accident with the CTA and there's a police report and a police officer's there and he makes a report, that should -- in your opinion, is that enough to force them to give you a copy of the Statute, or do you -- or does the injured party have to take more action than that?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fitzgerald.

SENATOR FITZGERALD:

The bill reads -- or, the amendment reads: Any person who notifies the Authority that he or she was injured or has a cause of action shall be furnished a copy of Section 41 of the Act. Within ten days after being notified in writing, the Authority shall either send a copy by certified mail to the person or hand deliver a copy to the person.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR FITZGERALD:

I will -- I would like to proceed with this today. I will try and find an answer to Senator Hawkinson's questions and -- definitive answer, and if it is a problem, I would like to notify the Governor's Office, I guess. But I think the -- all sides are signed off on it, and there wasn't any substantial opposition that I know of, and I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 710. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendments No. 1 and 2 to Senate Bill 710, and the bill, having received the required constitutional majority, is declared passed. Senate Bill

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

777. Mr. Secretary -- Senator Garcia, what purpose do you rise?

SENATOR GARCIA:

Personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR GARCIA:

Mr. President and Members of the Senate, in the Democratic side of the aisle, we have a group of eighth graders from the Corkery Elementary School in my district who are visiting Springfield. I would like to ask them to stand up and be recognized, and join me in giving them a round of applause.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests in the gallery please rise and be recognized? Welcome to Springfield. Senator Geo-Karis, what purpose do you rise?

SENATOR GEO-KARIS:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR GEO-KARIS:

Mr. -- Mr. President, Ladies and Gentlemen of the Senate, I'm delighted to have with us today one of Senator Link's constituents and my good friend, Mrs. JoAnn Lubin Lichtenstein, from Highland Park, who's sitting in our gallery up here, and her son, Richard, is our Page today.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests in the gallery please rise and be recognized? Welcome to Springfield. Senator Burzynski, what purpose do you rise?

SENATOR BURZYNSKI:

Thank you, Mr. President. I just wanted to rise on a point of personal privilege.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR BURZYNSKI:

I have two young ladies with me from my district today that are paging here and I'd like for them to stand and be recognized by the Senate.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Welcome to Springfield. Senate Bill 777. Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 777.

The motion, by Senator Carroll.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. I rise to be recognized for the purposes of moving that we do concur in Amendments No. 1 and 2, as adopted by the House. Amendment No. 1 is technical and says -- basically, it adds the word "that" {sic} (than) instead of "than" {sic} (that). Senate Bill 777, for the edification of the Membership, is the bill that I introduced to clarify that on State contracts that are not bid, that any contract over two hundred and fifty thousand dollars must be signed by the chief executive officer with the co-signature of the chief fiscal officer and the chief legal counsel. What the other House amendment does is to clarify the language that, for the General Assembly, it identifies that, in effect, each leader of each caucus - President, Minority Leader, Speaker, Minority Leader - are the appropriate signing personages and likewise the co-signing would be by their individual fiscal and legal officers. I would urge its adoption by the Senate.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

Is there any discussion? If not, the question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 777. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendments No. 1 and 2 to Senate Bill 777, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 780. Senator O'Malley. Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 780.

The motion, by Senator O'Malley.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 780, as it passed the Senate, provides that in determining a child's best interest pursuant to a court order for substitute care, DCF {sic} (DCFS) shall give due, but not sole, consideration to the child's race or ethnic heritage in making a family foster care placement. In the House, Representative Flowers offered an amendment, and Representative Flowers is the House sponsor of Senate Bill 780, and that amendment provides and has a number of provisions that I'll explain. It provides that DCFS shall make every effort to place a child with a relative who DCFS believes can care for the child according to Department rules. It requires all licensed child welfare agencies that -- that receive State funding to work with DCFS to create an appropriate pool of foster and adoptive parents. It further provides that DCFS shall make special efforts to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

recruit foster placements and adoptive placements which meet the cultural and special needs of children served by the -- by the Agency. Reasonable efforts are to be made to include recruits which are relatives and are of the same racial or ethnic origin. Further allows DCFS to enter into incentive contracts with licensed child welfare agencies, and I might caution, not to exceed current budget levels, as approved. Requires the Department to compile an annual report of all foster and adoptive placements in Illinois. I'd be happy to answer any questions there might be. I do move concurrence with Amendment No. 1, and would appreciate your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 780. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendment No. 1 to Senate Bill 780, and the bill, having received the required constitutional majority, is declared passed. Senate Bill -- Senate Bill 852. Senator Geo-Karis. Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 2 and 3 to Senate Bill 852.

The motion, by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, this bill was the one that amended the Civil Administration {sic} Code of Illinois, the Disabled Persons Rehabilitation Act, and the Head

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

and Spinal Cord Injury Act. House Amendment 2 provides that the purpose of the State Rehabilitation Advisory Council is to advise the Secretary of Human Services and the vocational rehabilitation administrator of the -- of the provisions of -- of the federal Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990 concerning individuals with disabilities. And House Amendment 3 removes the legislative appointments from the Spinal Cord and Head Injury Advisory Council. It adds three ex-officio members -- excuse me -- from the Division of Specialized Care for Children of the University of Illinois, the Statewide Independent Living Council, the State Rehabilitation Advisory Council, and the total membership of the Council would be twenty-nine, the same as current law. And it provides that on -- excuse me -- of the Rehabilitation Advisory Council, nine members constitute a quorum. The bill required a majority of members appointed and serving. Ladies and Gentlemen of the Senate, this bill with those amendments passed by a vote of 116 votes to nothing in the House. So, as you know, the House is not controlled by my party, so if both parties were so strong about it, I ask for a favorable vote on this bill, as -- with the amendments therein.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendments No. 2 and 3 to Senate Bill 852. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. The Senate doesn't concur -- does concur in House Amendment No. 2 and 3 to Senate Bill 852, and the bill, having received the required constitutional majority, is declared passed. On the top of page 4 of Supplemental Calendar No. 1 is Secretary's Desk, Concurrence. Senate Bill 855. Senator Donahue. Mr. Secretary.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 855.

The motion, by Senator Donahue.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

Why, thank you, Mr. President. Amendment No. 1 to Senate Bill 855, all it does is allow DCCA a little flexibility in their on-site visit when they're monitoring a grant. Instead of having to do it before, they can do it as much as six months after, and I would move for its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 855. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 855, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 910. Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 910.

The motion, by Senator Luechtefeld.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President. Senate Bill 910 set up the Wine Council and Amendment 2 {sic} (1) of Senate Bill 910 simply provides that the wine-maker's retail licensee, upon receiving

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

permission from the Liquor Control Commission, may conduct business at a second location that is separate from the location specified in its wine-maker's retail license. This, again, was negotiated with the -- with the distributors. They agree. It passed in the House 118 to nothing. Would move to concur.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Channel 3 requests permission to videotape. Hearing no objection, leave is granted. Is there any discussion? If not, the question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 910. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The Senate does concur in House Amendments No. 1 and 2 to Senate Bill 910, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 942. Senator Dillard. Senator Dillard. ...Bill 1076. Senator Severns. Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 1076.

The motion, by Senator Severns.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Severns.

SENATOR SEVERNS:

Thank you -- thank you, Mr. President, Members of the Senate. Senate Bill 1076 is the bill that we passed out of here with the knowledge that we'd have to make some changes in conference committee -- I mean, in -- in the House with the amendments. It simply provides that once a principal homeowner has achieved twenty-five percent equity in their home, that the private mortgage insurance may be dropped. That is determined to be

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

national average savings of one hundred and fifty dollars a month to the homeowner. Perhaps it would drop down as low as fifty dollars depending on -- on the value of the home. We've worked with the Illinois Bankers Association, the Community Bankers Association, Mortgage Bankers Association and the Illinois League of Savings Institutions and the Credit Union League to arrive at agreed language. I know of no opposition. That's House Amendment 1. House Amendment 2 is simply a technical correction. I would urge -- a favorable adoption of House Amendment 1 and 2 to Senate Bill 1076.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Thomas Walsh.

SENATOR T. WALSH:

Thank you, Mr. President. Well, I stand in support of -- of the motion made by Senator Severns, and I commend her on her work on this. This is a -- an issue for people who have a little bit more money to put down on their house; they don't need to purchase mortgage insurance. But if you don't, if you put usually less than eighty-percent down on your house, you have to purchase this insurance. Well, there should be a point that they cut it off and I'm glad that you caught this, and it's going to end up saving a lot of our constituents money. So -- and I appreciate the work that you did, the support that you got on this, 'cause not everybody was in agreement in the beginning. And I support the motion and would ask for everyone to vote Aye.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the -- the question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 1076. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, 1 voting Present. And

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

the Senate does concur in House Amendments No. 1 and 2 to Senate Bill 1076, and the bill, having received the required constitutional majority, is declared passed. ...to page 3 of Supplemental Calendar No. 1 is Senate Bill 689. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 689.

Offered by Senator Donahue.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Members of the Senate. House Amendments 1 and 2 deal with allowing units of local government to adopt standards for the hazardous -- hazard signage systems for storage, use and manufacture of hazardous material. If you remember, when the bill originally left us, we were trying to deal with a -- an audit finding with Illinois Emergency Management Agency, and this simply is clarifying. It's an agreed-to amendment and -- both amendments, and I would ask for the adoption of Amendments No. 1 and 2.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 689. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. The Senate does concur in House Amendments No. 1 and 2 to Senate Bill 689. All -- and the bill, having received the required constitutional majority, is declared passed. With leave of the Body, we will return to the Order of Secretary's Desk, Non-concurrence, House Bills, on the bottom of page 15 of your

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

regular Calendar. With leave of the Body, Senator Weaver will handle it for Senator Dudycz. Madam Secretary.

ACTING SECRETARY HAWKER:

I move to refuse to recede from Senate Amendment No. 2 to House Bill 1215 and request that a conference committee be appointed.

Offered by Senator Dudycz.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver, for Senator Dudycz. Senator Weaver moves the Senate refuse to recede from the adoption of Senate Amendment No. 2 to House Bill 1215 and that a conference committee be appointed. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Resolutions.

ACTING SECRETARY HAWKER:

Senate Resolution 80, offered by Senator Obama.

It is a death resolution.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama, on Senate Resolution 80.

SENATOR OBAMA:

Thank you, Mr. President. I would just ask a -- motion for immediate consideration and adoption of a death resolution, Senate Resolution 80. This is for someone in my district who recently passed away.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Resolution 80. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The rules are suspended. Now Senator Obama's moved for the adoption of Senate Resolution 80. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Senator Geo-Karis, what purpose do you rise?

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen, on a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, we have had two gentlemen on my side of the aisle who are going to enjoy birthdays this week. None other than Senator Stanley Weaver, the -- the pride of Urbana, Illinois; and another, and the President of the Senate, Senator James "Pate" Philip. And I don't know how old they are. I think I'm a little older than they are, but I feel much younger. But let's give them a good hand.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Happy birthday, Senator Weaver. And when Senator Philip comes out, we'll wish him a happy birthday, also. Resolution.

ACTING SECRETARY HAWKER:

Senate Resolution 81, offered by Senator Fawell.

It is substantive.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Messages.

ACTING SECRETARY HAWKER:

A Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to wit:

House Bill 1450.

I have like Messages on House Bills 1171 and 1641.

PRESIDING OFFICER: (SENATOR DUDYCZ)

...Watson, what purpose do you rise?

SENATOR WATSON:

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

Yes. I'd like a point of personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR WATSON:

Mr. President and Members of the Senate, we have with us today a group from Selmaville, located in Marion County, Selmaville Grade School, and they're on the Democrat side of the aisle, and Mark Decker and Elizabeth Schuller, they are with them, and I'd appreciate them standing and be recognized and welcome to the Senate.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests please rise and be recognized? Welcome to Springfield. ...Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to Education Committee - Motion to Concur with House Amendments 1 and 2 to Senate Bill 529; referred to Judiciary Committee - Motion to Concur with House Amendments No. 2 to Senate Bill 1099; referred to Local Government and Elections Committee - Senate Amendment No. 2 to House Bill 729, Motion to Concur with House Amendments 1 and 3 to Senate Bill 285; referred to Public Health and Welfare Committee - Motion to Concur with House Amendments 2 and 3 to Senate Bill 345; referred to Transportation Committee - Motion to Concur with House Amendments 1 and 2 to Senate Bill 454; and Be Approved for Consideration - Motion to Recede from Senate Amendment No. 2 to House Bill 447.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator -- Senator Garcia, what purpose do you rise?

SENATOR GARCIA:

...personal privilege.

PRESIDING OFFICER: (SENATOR DUDYCZ)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

State your point.

SENATOR GARCIA:

Mr. President, I have a double privilege today of recognizing another group of youngsters. I think it's the eighth-grade class from Corkery Elementary School in the Little Village community. Would they please stand -- rise and be recognized? And would everyone join me in welcoming them?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will our guests -- will our guests in the gallery please rise...

SENATOR GARCIA:

Welcome to Springfield.

PRESIDING OFFICER: (SENATOR DUDYCZ)

...and be recognized? Welcome to Springfield. ...Butler, what -- what purpose do you rise?

SENATOR BUTLER:

Thank you, Mr. President. For purposes of an announcement. The Local Government and Elections Committee will meet at 4 o'clock, in Room A-1. 4 o'clock, A-1, Local Government.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell, what purpose do you rise?

SENATOR FAWELL:

For purposes of an announcement. Transportation Committee will meet at 4:30, in Room 400. 4:30, in Room 400.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Syverson, what purpose do you rise?

SENATOR SYVERSON:

Thank you, Mr. President. Public Health will meet at 4 o'clock, in Room 400. No? Yes. That is correct for -- for a quick bit of business.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Demuzio, what purpose do you rise?

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

SENATOR DEMUZIO:

Just a point of personal privilege. I...

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR DEMUZIO:

I'd like to ask Senator Butler a question, if I might. Senator Butler, earlier today you had Senate Bill 691 on Concurrence and it received 55 Yes votes and no Nay votes. It was your bill. I was just curious why you didn't vote. I mean, if you can't vote for your own stuff, I mean, why do you ask us to?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

I was overwhelmed with the importance of that bill, and I just completely was -- I -- my awe overcame my good sense.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Peterson, what purpose do you rise?

SENATOR PETERSON:

Thank you, Mr. President. For the purposes of an amendment. The Revenue Committee will meet tomorrow morning, at 8:30, in Room 400. 8:30, Room 400. That was an announcement, not an amendment.

PRESIDING OFFICER: (SENATOR DUDYCZ)

For the Members on the Education Committee also, the Education Committee will be meeting at 4:30, in Room 212, today. 4:30 today. Senator Sieben, what purpose do you rise?

SENATOR SIEBEN:

For the purpose of announcement. Thank you. The Senate Ag Committee will meet tomorrow morning, at 8:30, in Room 1 {sic} (A-1). Senate Ag, 8:30 tomorrow morning.

PRESIDING OFFICER: (SENATOR DUDYCZ)

...information of the Membership, we have effectively concluded the business of the day. We are just waiting for

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

paperwork to be coming over from the House. For your information we will be -- we will be coming back at 9:30 tomorrow morning. We are not going to adjourn at this moment. Still waiting for some paperwork, but we have effectively concluded the business of the day. Messages from the House.

SECRETARY HARRY:

A Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendments to a bill of the following title, to wit:

House Bill 23, with Senate Amendments 1 and 2.

Nonconcurrent in by the House, May 21st, 1997.

We have a like Message on House Bill 379 with Senate Amendments 1 and 2, and House Bill 1121 with Senate Amendment 1. Also nonconcurrent in by the House, May 21st, 1997.

Another Message, on House Bill 526.

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

House Bill 526, with Senate Amendment 1.

I'm further directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of the following amendment:

Senate Amendment 2.

Action taken by the House, May 21st, 1997.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson, what purpose do you rise?

SENATOR HAWKINSON:

Purpose of an announcement, Mr. President. Tomorrow morning at 9 o'clock, in Room 400, will be a Senate -- brief Senate

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

May 21, 1997

Judiciary Committee meeting.

PRESIDING OFFICER: (SENATOR DUDYCZ)

There any further business to come before the Senate? If not,
Senator Radogno moves the Senate stand adjourned until 9:30,
Thursday, May 22nd.

MAY 21, 1997

HB-0470 REFUSE TO RECEDE	PAGE	22
HB-1215 REFUSE TO RECEDE	PAGE	67
HB-1887 REFUSE TO RECEDE	PAGE	22
HB-2164 REFUSE TO RECEDE	PAGE	23
HB-2209 REFUSE TO RECEDE	PAGE	23
SB-0006 CONCURRENCE	PAGE	23
SB-0021 CONCURRENCE	PAGE	4
SB-0071 CONCURRENCE	PAGE	25
SB-0106 CONCURRENCE	PAGE	5
SB-0106 NON-CONCURRENCE	PAGE	7
SB-0218 NON-CONCURRENCE	PAGE	3
SB-0307 CONCURRENCE	PAGE	7
SB-0315 CONCURRENCE	PAGE	33
SB-0316 CONCURRENCE	PAGE	34
SB-0347 CONCURRENCE	PAGE	11
SB-0348 NON-CONCURRENCE	PAGE	3
SB-0366 CONCURRENCE	PAGE	38
SB-0368 CONCURRENCE	PAGE	39
SB-0369 CONCURRENCE	PAGE	17
SB-0381 CONCURRENCE	PAGE	40
SB-0381 NON-CONCURRENCE	PAGE	48
SB-0408 NON-CONCURRENCE	PAGE	49
SB-0418 CONCURRENCE	PAGE	12
SB-0437 CONCURRENCE	PAGE	14
SB-0500 CONCURRENCE	PAGE	50
SB-0509 CONCURRENCE	PAGE	15
SB-0521 NON-CONCURRENCE	PAGE	18
SB-0561 CONCURRENCE	PAGE	51
SB-0681 NON-CONCURRENCE	PAGE	4
SB-0689 CONCURRENCE	PAGE	66
SB-0691 CONCURRENCE	PAGE	16
SB-0691 DISCUSSED	PAGE	71
SB-0710 CONCURRENCE	PAGE	52
SB-0777 CONCURRENCE	PAGE	59
SB-0780 CONCURRENCE	PAGE	60
SB-0789 CONCURRENCE	PAGE	18
SB-0789 NON-CONCURRENCE	PAGE	19
SB-0852 CONCURRENCE	PAGE	61
SB-0855 CONCURRENCE	PAGE	62
SB-0910 CONCURRENCE	PAGE	63
SB-0999 CONCURRENCE	PAGE	19
SB-1076 CONCURRENCE	PAGE	64
SR-0080 ADOPTED	PAGE	67
SR-0080 RESOLUTION OFFERED	PAGE	67
SR-0081 RESOLUTION OFFERED	PAGE	68

SUBJECT MATTER

SENATE TO ORDER-SENATOR GEO-KARIS	PAGE	1
PRAYER-PASTOR GERALD NICHOLS	PAGE	1
PLEDGE OF ALLEGIANCE-LED BY SENATOR SIEBEN	PAGE	1
JOURNAL-APPROVED	PAGE	1
JOURNALS-POSTPONED	PAGE	1
COMMITTEE REPORTS	PAGE	2
INTRODUCTION OF GUESTS-SENATOR WATSON	PAGE	13
GUEST SPEAKER-COACH JOHN REED	PAGE	14
MESSAGES FROM THE HOUSE	PAGE	68
COMMITTEE REPORTS	PAGE	69
MESSAGES FROM THE HOUSE	PAGE	72
ADJOURNMENT	PAGE	73