

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

121st Legislative Day

May 18, 1994

PRESIDING OFFICER: (SENATOR WEAVER)

Senate will come to order. This is a perfunctory Session.
Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: referred to the Committee on Executive - Senate Amendments 2, 3, 4, 5, 6, 7 and 8 to House Bill 1705.

PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will reconvene at noon.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDENT PHILIP:

The regular Session of the 88th General Assembly will please 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 Jamie Allen, Ashland Church of Christ, Ashland, Illinois. Pastor Allen.

PASTOR JAMIE ALLEN:

(Prayer by Pastor Jamie Allen)

PRESIDENT PHILIP:

Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Friday, May 13th, and Tuesday, May 17th, in the year 1994, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Amendments 4 and 5 to House Bill 356 Be Adopted; Amendments 4 and 5 to House Bill 381 Be Adopted; Amendment 1 to House Bill 696 Be Adopted; Amendments 4 and 5 to House Bill 1129 Be Adopted; Amendment 1 to House Bill 2423 Be Adopted; and Amendment 3 to House Bill 2809 Be Adopted.

Senator Watson, Chair of the Committee on Education, reports Amendment 2 to House Bill 504 Be Adopted; Amendment 4 to House Bill 2010 Be Adopted; Amendment 2 to House Bill 2107 Be Adopted; Amendment 6 to House Bill 2638 Be Adopted; and Amendment 2 to House Bill 3244 Be Adopted.

Senator Madigan, Chair of the Committee on Insurance, Pensions and Licensed Activities, reports Senate Amendment 4 to House Bill 2234 Be Adopted; Amendments 1 and 2 to House Bill 3322 Be Adopted; and Amendment 1 to House Bill 3485 Be Adopted.

PRESIDENT PHILIP:

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 86.

Adopted by the House, May 12th, 1994. It's substantive.

PRESIDENT PHILIP:

WICS-TV requests permission to tape. Is there any objection? If not, leave is granted. Resolutions.

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SECRETARY HARRY:

Senate Resolution 1468, offered by Senator Woodyard.

Senate Resolution 1471, by Senator Cullerton.

Senate Resolution 1472 is offered by Senator Burzynski.

Senator Weaver offers Senate Resolution 1473.

Senate Resolution 1474, by Senator Dudycz, Philip and all Members.

Senate Joint Resolution 160, by Senator O'Daniel.

And Senate Joint Resolution 161, by Senator Demuzio.

They're all congratulatory or death resolutions, Mr. President.

Senate Joint Resolution 162 is offered by Senator Hasara and all Members.

It's also congratulatory.

PRESIDENT PHILIP:

Consent Calendar.

SECRETARY HARRY:

Senate Resolution 1469, offered by Senator del Valle.

Senate Resolution 1470, by Senator O'Malley.

And Senate Resolution 1475, by Senator Jacobs.

They're all substantive.

PRESIDING OFFICER: (SENATOR WATSON)

We'd like to have the attention of the Body, if we could, please. Senator Hasara has a group here that she'd like to introduce. Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. On May 6th this Body voted on Senate Resolution No. 1393, and with me today is the State Scholastic Bowl Junior High School Championship Team from Chatham, Illinois. There are ten members of the team. Thank you. And with them is their teacher and coach, Marilyn O'Brien, and I would like to introduce her to talk a little bit about what they did, and introduce the ten students

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to you.

MARILYN O'BRIEN:

(Remarks and Introduction by Marilyn O'Brien)

SENATOR HASARA:

Thank you very much, and I would like to add that Brad is the son of Don Defoe, who's sitting up in the gallery - a friend that we all know. Thank you very much to the parents and teachers who are here, and who have worked with these outstanding young people. We're certainly very proud of them. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara, for the purpose of a motion.

SENATOR HASARA:

Yes. Mr. President, I would -- I move that we suspend the rules for immediate consideration of Senate Joint Resolution 162. This is a resolution honoring our own MayeBeth Hadfield's father who is retiring as superintendent of the Williamsville School District. And this will be presented at a reception in his honor next Sunday.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Senator Hasara moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Joint Resolution 162. Those in favor will say Aye. Opposed, Nay. The Ayes have it. The rules are suspended. Senator Hasara, if you would like to further explain the resolution.

SENATOR HASARA:

I think I've embarrassed her enough. I would ask for its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara has moved for the adoption of Senate Joint Resolution No. 182 <sic>. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. It's the intention of the Chair to go to page 7 for House Bills 2nd

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Reading. Near the top of the page -- of -- page 7 of Senate Calendar is the Order of House Bills 2nd Reading. And the Membership is to be advised to move these bills, as the deadline on Friday is quickly approaching. We may not return to this order of business. In the meantime, we're going to go to House Bills 1st Reading.

SECRETARY HARRY:

House Bill 2613, offered by Senator Madigan.

(Secretary reads title of bill)

House Bill 2710, by Senator Cullerton.

(Secretary reads title of bill)

Senator Madigan offers House Bill 2836.

(Secretary reads title of bill)

House Bill 2855, by Senator Dudycz.

(Secretary reads title of bill)

House Bill 3070, by Senator Madigan.

(Secretary reads title of bill)

House Bill 4086, by Senator Madigan.

(Secretary reads title of bill)

And Senator Madigan offers House Bill 4137.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR WATSON)

I'd like to advise the Membership that's within earshot that we ought to make our way to the Floor, because we're going to go to Order of 2nd Reading in just a few moments. Senator Syverson, for what purpose do you rise?

SENATOR SYVERSON:

Mr. President, a point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

State your point, Senator.

SENATOR SYVERSON:

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I think we'd be amiss if we did not mention the fact, with the successful victory last night, as the Senate thrashed the House in our softball game, final score being six to four. It was really never even that close. The Senate dominated from the very beginning. I would also like to point out that the MVP last night, the Honorable Senator Hawkinson, who pitched the entire game, and had five - count five - strikeouts. A couple in major innings. So congratulations to Carl on his MVP award, and to the Senate on their -- on their victory.

PRESIDING OFFICER: (SENATOR WATSON)

Very well said, and the Chair would like to add its congratulations to Senator Hawkinson. The Chair has been advised that the Senate did not do as well in the drawing. House Members won all three prizes, but we won the game. That's what counts. We're going to go to House Bills 2nd Reading, on page 7. We'd like to have leave of the Body to return to 6, 8 and 9. And with leave, we -- leave being granted, we will go on to House Bill 343. Senator DeAngelis. House Bill 343. Senator DeAngelis. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 343.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Local Government and Elections adopted one amendment.

PRESIDING OFFICER: (SENATOR WATSON)

Have there been any Floor amendments that have been approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senate -- or House Bill 410. Senator DeAngelis. House Bill 610. Senator Shaw. Senator Shaw, on House Bill 610.

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House Bill 1129. Senator Topinka. Senator Topinka, would you like to call House Bill 1129? Senator Topinka, would you like to call House Bill 1129? Yes, she would. Mr. Secretary, please read the bill.

SECRETARY HARRY:

House Bill 1129.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

Have there been any amendments -- Floor amendments that have been approved for consideration, Mr. Secretary?

SECRETARY HARRY:

Amendment No. 4, offered by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson, to explain the amendment. Take House Bill 1129 out of the record for now. We may have leave to go back to that. House Bill 1786. Senator Molaro. Senator Molaro, on House Bill 1786. With leave of the Body to come back to House Bill 2107. House Bill 2627. Senator DeAngelis. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

State your point, ma'am.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I would like to congratulate our Senate Baseball Team, which performed outstandingly last night, and the captain, the present sitting President, Frank Watson; and also Carl Hawkinson, who did an outstanding job as pitcher. He struck out two or three fellows on the House side. They didn't strike any of ours. But I want to

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tell you that it was a great show, because last year we tied, and we couldn't get a chance to get our outs; we didn't play, because of the time factor. The year before, we won, and this time we won without any question. And I want to congratulate all the Gentlemen who played on the team, and I'm just sorry Doris Karpel didn't join the team, because she has played baseball before. But anyway, I think it's a wonderful situation, and I want to thank Steve Hogan from St. Louis, from the -- out for the sponsor with the refreshments. I think it was great. We're very proud of you, Frank, and all your accomplishments. Let's give our team a good hand.

PRESIDING OFFICER: (SENATOR WATSON)

Thank you very much. Senator Dudycz, for what purpose do you rise?

SENATOR DUDYCZ:

Well, thank you, Mr. President. I would just like to know if Senator Welch would object to us naming a building after Senator Hawkinson, after such fine leadership. Second year in a row we won the -- the baseball game. So I figured maybe if you wouldn't object, I'd like to name some building in the Capitol Complex after our fine leader of -- of our baseball team, Senator Hawkinson. And -- and naturally we have to -- we have to -- to compliment our own Jack Brickhouse or Harry Caray of the Senate, Senator Count-Them-as-She-Saw-Them Adeline Geo-Karis.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch, for what purpose do you rise?

SENATOR WELCH:

Well, I just want to agree with Senator Dudycz. We do have a new toolshed out back that hasn't been named, and we could do that. Or we could have a painting of Senator Hawkinson and hang that somewhere, or just hang Senator Hawkinson - one or the other, I guess.

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PRESIDING OFFICER: (SENATOR WATSON)

Senator Smith, for what purpose do you rise?

SENATOR SMITH:

Thank you, Mr. President. I want to stand on a point of personal privilege, please. We have in the gallery here to my left a group -- they are called WAITS, W-A-I-T-S <sic>(WITS) Leaders. Means Working in The School. And we have Joanne Alter, who is a former commissioner of reclamation. Will you stand. And Mrs. Marion Stone, and Mrs. Bobbie Glore, who are directors of this project. And the Executive Director is Barbara Pace. Now they have brought with them two children from -- one is from Medera, and that is La Toya Gordon, and with her mother is Mrs. Helen Collins; and then we have Stephen Banks, and with his mother, Mrs. Regina Mack. They are our guests down here today of our Governor's wife. She has a project that you call Illinois Reads, and they're going to -- she's going to give them an award from the Governor's Mansion this afternoon. But they're here now visiting with us, and I would like for you to give them a hand.

PRESIDING OFFICER: (SENATOR WATSON)

Well, thank you. Will our guests rise, and we welcome you here to Springfield. Thank you for the work you're doing on behalf of young people. Senator Petka, for what purpose do you rise?

SENATOR PETKA:

Well, thank you very much, Mr. President, Members of the Senate. Point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

Please state your point, Senator.

SENATOR PETKA:

It is indeed my high honor and -- and rare privilege to introduce to the Senate the graduation class of St. Mary Immaculate in Plainfield, my hometown and my home parish. They're

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in the President's Gallery, and I would like to ask the Senate to join me in welcoming them to the Illinois Senate.

PRESIDING OFFICER: (SENATOR WATSON)

Very good, Senator. Will our guests please rise, and welcome to Springfield. With leave of the Body, we'll go back to House Bill 1786. Senator Molaro. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1786.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator DeAngelis, on House Bill 2627. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2627.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. House Bill 2631. Senator DeAngelis. It's House Bill 2631. The bottom of page 7. You wish the bill to be read, Senator? Out of the record. House Bill 2938 has got a fiscal

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note. House Bill 3094. Senator Raica. House Bill 3244. Senator DeAngelis. Out of the record. House Bill 3457. Senator Fawell. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3457...

PRESIDING OFFICER: (SENATOR WATSON)

I beg your pardon. I believe the Senator wants that taken out of the record. House Bill 3551 has a fiscal note. Senator Fawell, would you like to proceed with that? House Bill 3551. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3551.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR WATSON)

Out of the record. House Bill 3582. Senator Butler. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3582.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Dudycz, on House Bill 3587. Out of the record. Senator Topinka. House Bill 3883. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

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House Bill 3883.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. House Bill 3975. Senator Topinka. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3975.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. We previously had leave to go back to page 7, House Bills 2nd Reading, House Bill 6. Senator Maitland. Mr. Secretary, would you please read the bill.

SECRETARY HARRY:

House Bill 6.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. House Bill 8. Senator Maitland. Read the bill,

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Mr. Secretary.

SECRETARY HARRY:

House Bill 8.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. House Bill No. 9. Senator Maitland. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 9.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR WATSON)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Committee Reports, Mr. Secretary.

SECRETARY HARRY:

Senator Karpziel, Chair of the Committee on Executive, reports Senate Joint Resolution 157 Be Adopted; and Senate Amendments No. 2, 3, 4, 5, 6, 7 and 8 to House Bill 1705 Be Adopted.

PRESIDING OFFICER: (SENATOR WATSON)

It's the intention of the Chair to go to House Bills 3rd

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Reading. On page 3, at the bottom of the page, we will begin House Bills 3rd Reading. The first one is House Bill 44, by Senator Mahar. Out of the record. House Bill 61. Senator Madigan. Out of the record. House Bill 99. Senator Berman. Out of the record. House Bills 232. Senator O'Malley. Senator O'Malley? Out of the record. House Bill 298, by Senator Mahar. Out of the record. House Bill 356, by Senator Dudycz. Out of the record. House Bill 381. Senator Cronin. Out of the record. House Bill 457, by Senator Fawell. Out of the record. House Bill 539, by Senator Fitzgerald. Out of the record. House Bill 696, by Senator Petka. Senator Petka on the Floor? Out of the record. House Bill 742, by Senator Shadid. Out of the record. House Bill 767, by Senator Barkhausen. Senator Barkhausen on the Floor? With leave of the Body, we would like to return to House Bill 696. Senator Petka. Senator Petka, do you wish this bill to be returned to 2nd Reading for the purpose of an amendment?

SENATOR PETKA:

Yes, I do.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka seeks leave of the Body to return House Bill 696 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 696. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senators Petka, Burzynski, Hasara and Raica.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President, Members of the Senate. The Senate Amendment No. 1 to House Bill 696 adds a number of

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provisions to the underlying bill, which was a bill which provided certain types of contraband dealing with jailbreaks would be prohibited. The additional amendments are as follows: the first portion of the amendment adds Senate Bill 1515 that passed our Senate 49 to 4. This was basically Senate -- Senator Bev Fawell's juvenile justice crime package. Among other things, this Act requires at least five years probation for certain types of felony offenses. Also prohibits a minor from being placed on supervision for first degree murder or a forcible felony. It also permits impeachment of a minor who testifies on his own behalf at a adjudication. Additionally it creates a special category of violent juvenile offenders, a so-called two-time-loser bill, for those juveniles who are convicted of forcible felonies of Class 2 or greater. They must serve their sentence in the Department of Corrections until they are twenty-one years of age. Also a provision of the bill adds kidnapping, violent sexual offenses, armed robbery and armed violence to sentencing provisions, which impose longer sentences if the crime is committed within a thousand feet of a school campus or on a school bus. Additionally it adds the offenses of armed violence, aggravated hijacking, aggravated stalking and drive-by shootings to death penalty provisions. And lastly, it reduces a time in which a post-conviction appeal can be filed after a conviction of three years. That's a brief explanation of the amendment. Mr. President, I would entertain any questions on the amendment.

PRESIDING OFFICER: (SENATOR WATSON)

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

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3rd Reading. House Bill 902. Senator Cullerton. Out of the record. House Bill 1124. Senator Woodyard. Out of the record. House Bill 1352. Senator Karpziel. Out of the record. House Bill 1391. Senator Demuzio. Out of the record. House Bill 1513. Senator Hawkinson. Out of the record. House Bill 1569. Senator Maitland. Senator Maitland, on House Bill 1569? Senator Maitland? Out of the record. House Bill 1594. Senator Karpziel. Out of the record. House Bill 1635. Senator Butler. Out of the record. House Bill 1705. Senator Rauschenberger. Senator Rauschenberger, do you wish this bill to be returned to 2nd Reading for the purposes of an amendment? Senator Rauschenberger seeks leave of the Body to return House Bill 1705 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1705. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

This amendment are the -- this is the definitions and the general provisions of the Blue Ribbon Task Force bill that we're amending into the House Bill 1705. We've heard it in subcommittee this morning at 8:30. Heard it again at 10 o'clock in the Executive Committee. I'd request a favorable roll call to adopt the amendment.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any other Floor amendments approved for consideration, Mr. Secretary?

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SECRETARY HARRY:

Amendment No. 3, offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Amendment No. 3 puts the provisions from the Blue Ribbon Task Force -- the provisions from the Blue Ribbon Task Force involving the Illinois Procurement Bulletin into House Bill 1705. It was heard again in subcommittee and committee today. I request a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

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

SECRETARY HARRY:

Amendment No. 4, offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger, on Amendment No. 4.

SENATOR RAUSCHENBERGER:

Amendment No. 4 puts the policy organization into the House Bill 1705 from the Blue Ribbon Task Force, with some modifications. It was heard in committee and subcommittee. I request a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

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

SECRETARY HARRY:

Amendment No. 5, by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR WATSON)

On Amendment No. 5, Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

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Amendment No. 5 puts the -- the competitive bidding language into House Bill 1705 from the Blue Ribbon Task Force - the leasing information and the professional artistic contract article. I would request a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

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

SECRETARY HARRY:

Amendment No. 6, by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger, on Amendment No. 6.

SENATOR RAUSCHENBERGER:

Amendment No. 6 takes the language from the Blue Ribbon Task Force on procurement ethics and disclosure, together with some new language that's been added. This was heard this morning in subcommittee and committee. I'd request a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

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

SECRETARY HARRY:

Amendment No. 7, by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger, on Amendment No. 7.

SENATOR RAUSCHENBERGER:

Amendment No. 7 takes the existing preference language out of the current Statutes, puts them together to tie in with the new Procurement Act. It's exactly the same language that's on the books. It was heard this morning in subcommittee and committee. I would request a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

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Any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further amendments approved for consideration, Mr. Secretary? But before you go to that order of business, let me -- let's have some order so that we can hear the sponsor of the amendments. Mr. Secretary, any further amendments to be approved?

SECRETARY HARRY:

Amendment No. 8, offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger, on Amendment No. 8.

SENATOR RAUSCHENBERGER:

Amendment No. 8 to House Bill 1705 are miscellaneous provisions, an effective date, and a severability clause. If for some reason we don't get full concurrence on all of our amendments at the House, this -- this amendment allows the bill to become active with whatever provisions they do pass. I would request a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

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

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. House Bill 1774. Senator Topinka. Would you please read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1774.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Topinka.

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SENATOR TOPINKA:

Mr. President, Ladies and Gentlemen of the Senate, House Bill 1774 basically calls for the Director of the Department of Insurance to issue rules requiring the development and use of standardized claim forms, and also it now adds, through an amendment that was put on, a requirement that Blue Cross/Blue Shield would cooperate with the Department of Public Aid in determining whether applicants for Medicaid are covered by private health insurance. Needless to say, from a standpoint of the State, if they are covered by private health insurance, we would prefer that they work through that avenue, rather than kind of coming onto the public aid rolls. Nearly all -- the -- nearly all the insurers in Illinois now cooperate with the Illinois Department of Public Aid, but Blue Cross/Blue Shield has been a bit reluctant on this front. Negotiations have now been going on for the better part of ten years. It has come to this because they're going to have to comply like everyone else. The Department of Public Aid feels that there is a potential of upwards of sixty million dollars worth of savings for the State of Illinois if this bill is passed, and they are in support. I would be -- I would welcome any questions, and certainly would seek a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Thank you, Senator. This is 3rd Reading. And is there any discussion? Seeing none, the question is, shall House Bill 1774 pass. Those in favor will vote Aye. Opposed, No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, no voting No, no voting Present. House Bill 1774, having received the required constitutional majority, is declared passed. House Bill 1853. Senator Topinka. Madam Secretary, please read the bill.

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ACTING SECRETARY HAWKER:

House Bill 1853.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, this adds the contents of Senate Bill 1480, which came out of our -- it was a committee bill on the Department of Public Health and Welfare. It requires the Department of Public Aid, in conjunction with the Department of Insurance, to study the feasibility of using HMOs for providing acute care to Medicaid long-term care recipients. Excuse me, sir. If -- if I may, I'd like to take this bill out of the record.

PRESIDING OFFICER: (SENATOR WATSON)

Out of the record. House Bill 2010. Senator DeAngelis. It's a recall. You do not wish it to be called? Senator DeAngelis, do you wish the bill to return to 2nd Reading for the purposes of an amendment? Senator DeAngelis seeks leave of the Body to return House Bill 2010 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 2010. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 4, offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Floor Amendment No. 4 is the amendment that I had taken off of 2641 yesterday. This is called the Senate Flip. Essentially what it does, it takes into those

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situations in which a deannexation petition has been filed under the old Senate Bill 1191, and requires that in those situations in which the school has taken an action against one of its own constituents on that section of the law, and only in those situations in which there's a constitutional challenge that the State's attorney will, in fact, act as the attorney for the school district.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to this amendment. I think it's important to recognize what is being attempted here. We have nine hundred and thirty-five school districts in the State of Illinois. They raise money from their tax revenues; they hire their own attorneys to represent them; and they retain those attorneys and make policy to move forward as they, as legal entities, see fit. This amendment says to those school boards, you cannot use your attorneys, you have to use the State's attorney of the county in which you reside. Ladies and Gentlemen, that doesn't make any sense to me. You are using, first of all, the resources of the entire county to be utilized for one part of the county's legal expenditures. You're wasting the taxpayers' money that covers the rest of the county outside of that school board. Number two, I will tell you from experience that the attorneys that represent the school boards, and are paid by the school boards, know more about these issues than does anybody on the staffs of the respective State's attorneys. Let that school board be represented as that school board wishes. Not as we dictate. It doesn't make any sense. There may be one particular problem in Senator DeAngelis' district that he's upset with, but that doesn't mean that we have to change all of the logical and legal rules regarding school board

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representation. I urge a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just an inquiry of the Chair. This appears to be a -- a State mandate upon county government, and will this take a extraordinary majority?

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis, do you wish to close?

SENATOR DeANGELIS:

Yes. It's not surprising that an attorney would have an objection to this. However, Senator Berman, I would expect your...

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jacobs.

SENATOR JACOBS:

The question was legitimate. This is -- does appear to be a mandate upon local government, and I want to know if -- if the mandates law does apply, and whether this needs thirty of thirty-six votes under the current rules of the Senate.

PRESIDING OFFICER: (SENATOR WATSON)

Senator, this does not require an extra-majority vote. Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, again, Mr. President. I would wish that Senator Berman's criticism was as accurate as his eloquence. The fact of the matter is, this would only pertain in those situations in which there are dual districts. Let me tell you where this came from, and it -- just doesn't apply to my district, Senator Berman. Several years ago, if you remember, we had a battle over consolidation, and it was determined that the real merit of

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consolidation rested in the fact that we needed to have articulation from K through twelfth. I, myself personally, had some concern about forcing that on school districts unless they wanted to. However, across Cook County, where the majority of the dual districts are, there are little pockets -- little pockets of schools that are not allowed the -- areas that are not allowed -- the children are not allowed to go to the same high school as their classmates. Now, within my district, yes, there is one junior high in which ninety percent of the children go to one high school, the other ten percent go to four. In fact, in one instance, one person had to go to a high school different, and another situation three - students. So I put in a bill that permitted the people from those areas in which the EAV - 'cause I realize the financial discomfort that could occur - when the EAV was less than ten percent. There has been absolute benign noncompliance on that because the lawyers get paid by the school districts, who want to keep the money, and the people that have to fight them are property taxpayers in that district. In fact, I can tell you any district in Cook County that has this kind of a situation, 'cause you will see school attorneys collecting three, four, five hundred thousand dollars in legal fees, and the poor residents have to come up with their own defense. We successfully, through the Legislature, got the thing tightened up enough to where we thought we had it closed off to where they would have to judge on the merits - not judge, 'cause this bill doesn't require judgment, it simply says if you meet these requirements you can do it. Now, all of a sudden a law firm decides to take it to the U.S. federal court and question this on the Fourteenth Constitutional Amendment. The whole hypocrisy of this is in the situation in which they have challenged, which is in my district. The three students are minority students, and they have already indicated that they're not going to win this,

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except for one thing. It's going to take five hundred thousand dollars on the part of those three people to fight this in court. And then on top of it, they have to pay the legal fees of the person that's persecuting them. And I got to tell you, that is not justice. All that is is fatiguing somebody into compliance because you have a bigger pocketbook, and that's not what America is all about.

PRESIDING OFFICER: (SENATOR WATSON)

All those in favor, say Aye. Opposed, Nay. The Ayes -- you ask for a roll call? That's in order. Roll call has been requested. All those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that motion, there are 28 voting Yes, 30 voting No, no voting Present. The amendment -- Senator DeAngelis.

SENATOR DeANGELIS:

Like to have a verification.

PRESIDING OFFICER: (SENATOR WATSON)

All right. The amendment fails. Verification has been requested. Senator Jones, for what purpose do you rise?

SENATOR JONES:

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

PRESIDING OFFICER: (SENATOR WATSON)

State your point, Senator.

SENATOR JONES:

We have, in the President's Gallery, the seventh and eighth grade students, along with their teachers and parents, who are here witnessing democracy, and I'd like for the Senate to give them a warm welcome. And that is the Clissold School located in the Morgan Park Community, City of Chicago.

PRESIDING OFFICER: (SENATOR WATSON)

Will our guests in the gallery please rise. And welcome to

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Springfield. Senator Hendon, for what purpose do you rise?

SENATOR HENDON:

A point of personal privilege, Mr. Chairman.

PRESIDING OFFICER: (SENATOR WATSON)

Well, we're on a verification, but state your point, Senator.

SENATOR HENDON:

Mr. Chairman, in the President's Gallery, we also have some students from John Marshall High School, of which my son is currently enrolled, and hopefully in class today, and we just wanted to welcome them to Springfield, along with the -- the local school council and their president. Over here on -- on the left.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. We ask you to rise, and certainly welcome to Springfield. Senator DeAngelis has requested a verification. Will all the Senators please be in your seats and the Secretary will read the negative vote.

ACTING SECRETARY HAWKER:

The following Members voted in the negative: Berman, Bowles, Carroll, Collins, Cullerton, DeLeo, del Valle, Demuzio, Thomas Dunn, Farley, Fitzgerald, Garcia, Hall, Hawkinson, Hendon, Jacobs, Jones, LaPaille, Molaro, O'Daniel, Palmer, Peterson, Rea, Severns, Shadid, Smith, Stern, Topinka, Trotter and Welch.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis, do you question the presence of any Member?

SENATOR DeANGELIS:

Collins. Senator Collins.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Collins. In the bright yellow dress.

SENATOR DeANGELIS:

Senator Farley.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Farley. Senator Farley in the Chamber? Remove him.

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SENATOR DeANGELIS:

Senator DeLeo.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeLeo. Senator DeLeo, are you in the Chamber? Remove him.

SENATOR DeANGELIS:

Senator Severns.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Severns is at the press well.

SENATOR DeANGELIS:

Senator Fitzgerald.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fitzgerald. Senator Fitzgerald, are you in the Chamber? Remove him.

SENATOR DeANGELIS:

Senator LaPaille.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Farley has returned. Please put Senator Farley back on the roll.

SENATOR DeANGELIS:

Senator LaPaille.

PRESIDING OFFICER: (SENATOR WATSON)

Senator LaPaille. There he is. Senator LaPaille is in the Chamber. Do you wish to check the presence of any other Member, Senator? On a verified roll call, there are 28 voting Yes, 28 voting No, and the amendment fails. Are there any other Floor amendments, Madam Secretary, approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. House Bill 2150. Senator Weaver. Senator Weaver? House Bill 2221. Senator Jacobs. Out of the record.

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House Bill 2234. Senator Madigan. Senator Madigan, do you wish this bill returned to 2nd Reading for the purpose of an amendment?

SENATOR MADIGAN:

Yes.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan seeks leave of the Body to return House Bill 2221 <sic> to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 2221. I beg your pardon. House Bill 2234. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 4, offered by Senators Madigan and Syverson.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President and Members of the Senate. Floor Amendment No. 4 to House Bill 2234 represents an agreement, after three years of discussions, between the Dental Society, the insurance companies and the business groups, on temporomandibular joint disorders and the coverage of same, and I would ask for adoption of Committee Amendment -- on Committee Amendment -- or, Floor Amendment -- excuse me, Floor Amendment No. 4 to House Bill 2234.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

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3rd Reading. Senator Jones. Senator Jones, do you wish your bill returned to 2nd Readings for the purpose of an amendment? Senator Jones seeks leave of the Body to return House Bill 2423 to the Order of 2nd Readings for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 2423. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Jones.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. Floor Amendment No. 1 to Senate Bill -- House Bill 2423 is a agreed amendment that deals a foster parent, whose rights have been terminated, gives -- that foster parent "shall have standing and intervenor status" in the placement of the child that had been placed in their custody. And I move for its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

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

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR WELCH:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

State your point, Senator.

SENATOR WELCH:

In the gallery we have, from Seneca Grade School, the eighth

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grade class down here to observe government in action. If they'd stand, we'd recognize them.

PRESIDING OFFICER: (SENATOR WATSON)

Would our guests in the gallery please stand and be recognized. We welcome you here to Springfield. House Bill 2424. Senator Cronin. Out of the record. With leave of the Body, I'd like to go back to House Bill 2638. Thank you. House Bill 2641. Senator DeAngelis. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2641.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. There's an old expression that says, "The Good Samaritan always gets screwed". The amendment that was lost was placed on this bill previously, and had already passed and I took it off. So for those of you who are concerned about whether that amendment is on here, it's not on here. All that 2641 does, simply passes, once again, a bill that passed out of this Body, which removes the requirement for immunization from those universities that do not have residential facilities, putting them in line with the community colleges. Happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall House Bill 2641 pass. All those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that vote, there are 54 voting Yes, 2 voting No, no voting Present. House Bill 2641, having received the required

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constitutional majority, is declared passed. With leave, I'd like to go back to House Bill 2642. Thank you. House Bill 2809. Senator Jones. Senator Jones, do you wish this bill to return to 2nd Readings for the purpose of the amendment? Senator Jones seeks leave of the Body to return House Bill 2809 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 2809. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 3, offered by Senator Jones.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. Amendment No. 3 would exempt joint tenancy if a -- if a parent who had deserted a child for more than one year preceding the child's death from receiving any property or interest, and if real property is involved, the judgment determination must be recorded within six months with the recorder of deed's office in which the property is located, and I move its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. House Bill 2931. Out of the record. House Bill 3079. Senator Barkhausen. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

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House Bill 3079.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. House Bill 3079 is identical to Senate Bill 1751, previously passed by this Body this Session, dealing with the right of an owner of securities to -- to transfer the ownership of them on death by means of a registration, which would avoid the probate process. If the Body would be kind enough to bear with me for just a minute, I do have a statement which is intended to clarify the effect of this legislation on real estate holdings and transactions, in light of a couple of questions that were asked during our Judiciary Committee meeting. This bill permits registration of a death beneficiary for investment securities. At the death of the owner, the investment securities so registered transfer to the named beneficiary or beneficiaries without probate. This bill defines property to include real property, and defines a security to include a share or participation in property. It might be asked, therefore, whether it is possible for this bill to be used to make a nonprobate transfer of ordinary real estate interests. The answer to that question is No, based upon the entire interpretation of the relevant definitions and upon the structure of this bill. The bill includes real property interests in its definition of property, because there are securitized real property interests that are also investment securities. Shares in real estate, investment trusts, mortgage-backed securities, including Fannie Maes, Ginnie Maes and Freddie Macs, real estate limited partnerships and other exotic derivatives are examples of such interests. These are all investment securities that will

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show up along with shares of stocks and bonds in security accounts, and this bill should and will apply to them. But no interpretation of this bill would easily include ordinary means of holding real property. Real property is represented in ordinary transactions and holdings by a deed - whether warranty deed, deed of trust, or similar title document. The interests represented are neither shares or participations in the investment sense, but interest in fee or other larger estates. It would be a great distortion of the basic definition of security to make it include an estate in real property represented by an ordinary document of title. I would otherwise be glad to answer your questions. Thank you for bearing with me, and I urge the support of this legislation.

PRESIDING OFFICER: (SENATOR WATSON)

Under discussion, Senator Karpiel?

SENATOR KARPIEL:

No. I'm sorry. I just -- a point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

State your point, Senator.

SENATOR KARPIEL:

Oh. Well, thank you, Mr. President. I would like to introduce -- in the gallery today up here on the Senate Republican side, is Mr. and Mrs. Schneider of St. Charles, their -- their son and daughter, Elizabeth and Michael. And their son, Joe, is one of our pages for today, and I'd like the Senate to welcome them, please.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Will our guests please rise, and welcome to Springfield. Under discussions, Senator Fitzgerald.

SENATOR FITZGERALD:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

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Yes, Senator Barkhausen will yield, Senator Fitzgerald.

SENATOR FITZGERALD:

Senator, I have a question concerning what would happen to creditors of someone who passes away. Say upon his or her death, someone owes a hundred thousand dollars and he had a couple hundred thousand dollars worth of securities. If those securities don't have to go through probate and they automatically transfer to the beneficiary upon death, how would creditors be able to go after decedents' assets?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen.

SENATOR BARKHAUSEN:

The legislation specifically says that creditors' rights are not affected by the bill, and maintain the same priority they otherwise would have.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Senator Barkhausen, after the committee, some members of the State Bar Association raised some questions with me. I just thought I'd discuss this before we voted on it. The concern was, perhaps a widow, who otherwise might have the ability to renounce a will and therefore get a statutory share, if the husband wished to give these securities to someone other than her, if we pass this law, these particular forms of assets, these securities, it seems that they would -- by not going to probate, there'd be no ability to renounce the will, and as a result, the widow would not be able to receive any of these securities. So that was the concern that was raised. I just wondered if that was something that the Uniform Law Commissioners had discussed, and if you could comment on that concern.

PRESIDING OFFICER: (SENATOR WATSON)

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Senator Barkhausen.

SENATOR BARKHAUSEN:

Yeah. You and I have discussed this, Senator Cullerton. The bill is not intended, certainly, to disinherit a surviving spouse or any other member of the -- of the family. There is today, under existing law already, the ability by a variety of means to avoid the probate process, and -- and therefore, potentially as well, the elective share rights that a spouse has for assets that do go through probate, and those existing means are the creation of living trusts, which have become more and more popular in recent years; the creation of a joint tenancy with a joint tenant being someone other than a surviving spouse; and -- and the existence already of what are known as "pay on death" accounts for existing cash accounts, which potentially allow a -- a testator to designate a beneficiary on death of a cash account, and we are extending that principle by means of this legislation to -- to security accounts as well, in light of the ease of transfer that this makes possible, and -- and the desire of many people, not -- not because they want to disinherit a spouse, but for other legitimate reasons they want to avoid probate. With regard to the Uniform Law Commissioners' interest in stance more broadly on the question of survivors' -- surviving spouses' rights, the Uniform Probate Code that has been promulgated in bits and pieces over a period of years by the Uniform Law Conference, includes a -- a controversial, but I think well-taken, position with what is regarded as -- known as an augmented estate. Meaning the ability of a surviving spouse to make an election, not only against probate assets, but assets that have been transferred to survivors by these nonprobate means. And that -- that is something that the various members of the bar that have an interest in this area have been looking at, and I am told that an attempt on our part, which frankly I would support, to adopt something like the augmented

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estate approach, would be quite controversial amongst the members of the bar who help their clients today figure out, in some cases, how to disinherit a spouse. But I -- I, for example, would be willing to discuss with you on the bill that's over -- the identical bill, Senate Bill 1751, which we already passed, the possibility of amendatory language that would maybe get at the augmented estate concept, which the Uniform Law Conference has recommended.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Yes. The sponsor will yield for a question, Senator Geo-Karis.

SENATOR GEO-KARIS:

Supposing you have a hundred-thousand-dollar security, and the owner says pay on death to James Doe, for example - ignores his wife completely. That -- that owner -- the one that's listed as the beneficiary would be entitled to that security. Is that not -- isn't that right?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Correct. And the person could do that otherwise under existing law today by means of a living trust or the creation of a joint tenancy ownership in that same security.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

But if you don't allow it, there's -- there's some likelihood at least they'll be discovered. What I'm concerned about is how

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easy it is to defraud a wife or a husband of some necessary means. And I know that U.S. Bonds you can say payable on death, but they're still listed in the inventory of an estate, whether they're payable on death or not - still an asset of the estate, if I recall correctly. I'm concerned that the -- the purpose to make it easier might also make it easier to commit fraud, and I think a person who will -- wants to get even with a spouse or -- or with any sister and brother, or -- could do that too if they're mad at each other. They can -- there's so many -- there's so many possibilities of fraud with your bill. I -- I hate to tell you, it sounded good at the beginning, but I'm not so sure that this is the best approach.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Seeing none, Senator Barkhausen may close.

SENATOR BARKHAUSEN:

Thank you, Mr. President. Let me, in closing, respond to the -- just to the last point. I -- I've tried to make clear that this legislation is -- is intended to help people who, as we are or ought to be aware, are interested in avoiding the probate process for legitimate means to save legal fees, and to -- to achieve a degree of privacy that a court-supervised, publicized probate process does not make possible, that this legislation will make that more possible. This legislation, on the other hand, does -- does nothing to -- nothing more than already exists under the law to make it possible to disinherit a spouse. As I have said, one can attempt to do that already today by creating a living trust or a joint tenancy account. This -- this is a good bill that will help make the basic legal affairs of our constituents easier to attend to, and I urge the support of this legislation that's -- the same support we gave earlier to Senate Bill 1751.

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PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall House Bill 3079 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, no voting No, 3 voting Present. On that question -- or, House Bill 3079, having received the required constitutional majority, is declared passed. House Bill 3278. Senator Donahue. Out of the record. House Bill 3322. Senator Madigan. Read the bill, Madam Secretary. Senator Madigan seeks leave of the Body to return House Bill 3322 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 3322. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senators Donahue and Demuzio.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. Amendment No. 1 to House Bill 3222 <sic> takes care of a situation in my existing district and formerly of Senator Demuzio's district. There is a restaurant in this area that was under lease to the Department of Conservation. They happen to be in a dry township, and this amendment -- or, formerly Senator Demuzio had made an exception in this township to allow this -- this restaurant to be able to sell liquor. Because of the flood of last year, this restaurant is now on land that's under the control of the Corps of Engineers, and so they are no longer with the Department of Conservation. Therefore, their liquor license is in limbo. So this is to take care of the Lighthouse Restaurant, and I would hope that you would agree, and I move for its adoption.

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PRESIDING OFFICER: (SENATOR WATSON)

All those in favor of the amendment, say Aye. Opposed, No. The Ayes have it, and the amendment is approved. Are there further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senators Berman and Madigan.

PRESIDING OFFICER: (SENATOR WATSON)

Amendment No. 2. Senator Berman. Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Amendment No. 2 clarifies language that was previously presented to the committee, dealing with the culpability of a corporation when an -- a -- a director or shareholder violates a crime. The language that we are proposing here tightens up that -- that situation so that it would not be as broad as the previous language. Move the adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? All those in favor, say Aye. Excuse me. Senator Hawkinson.

SENATOR HAWKINSON:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

The sponsor will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Your explanation piqued my interest, Senator. What kind of situations are we talking about? Are we somehow relieving corporations of current culpability when a director commits a criminal offense? Or how are we changing the law?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman.

SENATOR BERMAN:

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Thank you. Let me take you through this. The bill that came out of the House - unanimously, by the way - read as follows: "A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation." That's -- that's the language that is deleted by this amendment. The new language is as follows: "A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of" -- "of any federal or State law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation..." And then it goes back to the bill. The purpose of the amendment was -- what gave rise to it was that under the federal insider trading bill -- insider trading -- apparently in some corporation one of the shareholders or directors was guilty, or was charged with insider trading. Under the federal law, if that shareholder was convicted of insider trading, the conviction applied to the corporation, even though the corporation may not have benefitted by his insider trading. That conviction would have caused that corporation to lose all of its liquor licenses throughout the country and each individual state. So what we've tried to do here is to use the language so that it doesn't relate to liquor licenses; it doesn't relate to alcohol; it -- there's no benefit to the corporation, and if there is some unusual situation, such as the insider trading law, where there is no real benefit, they're not going to be in jeopardy of losing their license. I'm sorry for the long answer.

PRESIDING OFFICER: (SENATOR WATSON)

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Senator Hawkinson.

END OF TAPE

TAPE 2

SENATOR HAWKINSON:

Do I understand then, Senator, that under the language that passed the House, the corporation would have to terminate its relationship with the officer or the director, but under this new language, the guilty party who was guilty of insider trading or some other criminal offense that did not benefit the corporation, could still maintain its relationship with the corporation?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman.

SENATOR BERMAN:

I'm sorry. They still have to terminate. That -- that wasn't touched.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any further discussion? All those in favor of the amendment, signify by saying Aye. Opposed, No. The Ayes have it, and the amendment is adopted. Are there further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. House Bill 3478. Senator Fawell. House Bill 3485. Senator Burzynski. Do you wish to have this bill returned to 2nd Reading for the purpose of an amendment? Senator Burzynski seeks leave of the Body to return House Bill 3485 to the Order of

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2nd Reading for the purpose of an amendment. Hearing no objection, the leave is granted. On the Order of 2nd Reading is House Bill 3485. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Burzynski.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski, to explain your amendment.

SENATOR BURZYNSKI:

Thank you, Mr. President. This is a technical amendment to clarify that dental students who were enrolled for one year in approved clinical programs prior to January 1, '93, are only required to have completed that program to be eligible to sit for the State's dental examination. This amendment was on the agreed amendment list from committee.

PRESIDING OFFICER: (SENATOR WATSON)

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

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. House Bill 3522. Senator Cronin. Madam Secretary, would you please read the bill.

ACTING SECRETARY HAWKER:

House Bill 3522.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cronin.

SENATOR CRONIN:

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Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3522, which passed the House 103 to 11, seeks to amend the Motor Vehicle Franchise Act. It basically requires the motor vehicle manufacturer to disclose, in writing, all in-transit, post-manufacture, or other damage to a new vehicle before delivery of the vehicle to the dealer. Also, under certain circumstances, it requires the dealer to disclose to the vehicle buyer that the new vehicle was damaged. There is no such disclosure requirement currently under law. This bill and some of the detail will be discussed in debate here with my colleague, Senator Hawkinson. This bill seeks to protect dealers from a certain degree of frivolous lawsuits for damages to vehicles that amount to six percent or less of the value of the vehicle. It is my position, and the legislative intent, that there be other avenues of relief under a manufacturer's warranty, but this bill seeks to protect dealers and manufacturers. And I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is one of those bills that's a -- a good bill but still has some problems, and -- because as -- as Senator Cronin has indicated, this bill currently fills a void, 'cause there is nothing now. In committee we asked that this bill receive a little more work. One of the things that we think needs to be done in the bill to make it a good bill is to allow some recourse still for the consumer, that if disclosure is not made, as required by the bill, that a purchaser could revoke or rescind a sales contract due to the fact that the new vehicle was damaged and repaired before completion of the sale. I don't think my arguments are sufficient to stop this bill from moving forward.

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It's perhaps a step in the right direction. I think, contrary to what some on -- even on this side of the aisle may say - that it's not a pro-consumer bill - I think it does have some pro-consumer activity, but does not have all of the safeguards for the consumer that we feel that that bill should have. However, we think it's a step in the right direction, would like to see some activity that would probably clean this thing up, but at least it is a step in the right direction, and I plan on voting Aye.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I think this bill addresses a real problem, but it takes about six steps when it only ought to take one. The real problem that's been identified in -- in committee and elsewhere is the fact that you may have a situation where there's very minor damage to a new vehicle that's incurred on the dealer's lot or in transit, or perhaps even during the manufacturing process. And then, because there has not been disclosure, somebody sues over a couple-of-hundred-dollar scratch that has been repaired and it gets under the Consumer Fraud Act, and it gets drug on and drug on, and all of a sudden, you've got ten thousand dollars in legal fees. That's a problem that we ought to correct. I've suggested to the people promoting this legislation that the way to do that would be to say that where you have this kind of situation, with -- with minor damage, and it has been repaired and is still under warranty, that that ought to be exempted from the Consumer Fraud Act. Then you don't run into the problem of -- of attorneys' fees, and you've got still a warranted situation. But let me tell you a little bit about what this bill does, and I would hope that -- as the House apparently didn't do, that we ought to read the bill itself. This provides that if you go buy a twenty-thousand-dollar car - a significant investment -

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and you ask the dealer, "Has there been any damage to this vehicle?", they don't have to tell you, and this bill provides specifically that a failure to disclose does not constitute a misrepresentation or omission of fact. I would suggest if you're going to buy a -- a car, whether it's a ten-thousand-dollar car, fifteen-thousand-dollar car, and you've got six percent of that car that's been damaged - granted it's been repaired - but you, as a consumer, ought to have a right to have your questions answered before you make that kind of investment. I think this bill goes too far. Another reason I think it goes too far is if you look at the -- the different way that dealers are treated from consumers. If this damage occurs while it is still in the possession of the manufacturer and the manufacturer repairs that vehicle, the dealer is still given the option under this bill to either accept it or to reject it. The consumer ought to be given the same option, and he or she is not, in this bill. This bill provides that if you have twelve-hundred-dollar damage, excluding tires, glass, bumpers and audio equipment - so that could be greater damage - and it's been repaired, you don't even have to tell the consumer about it. And the consumer does not have that same right to rescind that the dealer has. Now again, I think there's a real problem being addressed here, and I think we ought to cure it for the dealers. But I think the way to do it is to have an amendment to the Consumer Fraud Act, which says that if you have minor damage and it's been repaired, then the Consumer Fraud Act doesn't apply. That would still leave in place all your Uniform Commercial Code remedies; it would still leave in place the responsibility of the dealer to tell the consumer that there has been this kind of damage. And I think this bill goes way too far to correct a -- a real problem, but nevertheless, that it ought to be held and it ought to be amended and do the job right, instead of going this far and saying that even if you've got nine hundred dollars'

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damage to a fifteen-thousand-dollar car, you don't have to tell the consumer, even when they ask for it. And therefore, I would urge a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Klemm.

SENATOR KLEMM:

Well, thank you, Mr. President. This bill came before our committee and it had a great deal of -- of discussion, and -- and some of the concerns that were raised were about the consumer protection part of it. And it was clear in the evidence that, in fact, both the manufacturer and the dealer will warrant - guarantee - whatever minor repair work was done. My concern that was raised - and they assured me that it is covered under existing law, under both federal and, I understand, even State - that if the repairs were done by a dealer in their parking lot - had nothing to do with the manufacturer transporting the car, which was my concern - that the dealer and the manufacturer would stand behind those repairs, if, in fact, those repairs proved to be defective in some respect. And I was assured - and I would certainly like the sponsor to put that in the record - that the manufacturer and the dealer would stand behind it, because I think that's important, to give the consumer the assurance that he's not going to be caught between the dealer and the manufacturer - the manufacturer saying, "Hey, the automobile was in perfect shape and it got bumped in the dealer's showroom someplace, or the garage"; and the dealer says, "Well, it's not our fault", and the consumer's caught in the middle. So, I supported the resolution of this issue in committee with the understanding that the dealer and manufacturer does stand behind, does warrant, this work that they would be doing. And I think, Senator Cronin, if you could verify that, certainly it has my support. And I think we should support this bill, because it does address a real serious problem and

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still, I think, gives the protection to the consumer if what I had stated is correct, by Senator Cronin's verification.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cronin.

SENATOR CRONIN:

As was pointed out in the committee, the manufacturer's warranty would still be in effect, and the dealer, who acts as an agent under agency principles, would be responsible to that extent. So the manufacturer's warranty - Magnus on - Moss Act of federal law - would still be applicable. Yes.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Raica.

SENATOR RAICA:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor will yield, Senator Raica.

SENATOR RAICA:

Senator Cronin, would there be situations or could there be situations where someone went in and purchased this automobile and because of damage that was caused on the lot or in transit to the car dealership, that the consumer would be responsible for repairing and not the -- and not the -- the person who caused the scratches to the automobile? In other words, if the car was bumped, would the -- could a dealer come in and say, "Well, you know, we'll take fifty dollars off the automobile for that, to repair that", or whatever. I mean, could situations arise like that?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cronin.

SENATOR CRONIN:

No.

PRESIDING OFFICER: (SENATOR WATSON)

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Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Beg your pardon. Senator Raica was...

SENATOR MOLARO:

I don't want to interrupt Senator Raica.

PRESIDING OFFICER: (SENATOR WATSON)

Excuse me. Pardon me. Senator Raica, excuse me.

SENATOR RAICA:

Thank you, Bob. Senator Cronin, I'm -- this actually seems like a pretty good idea, and Senator Klemm does bring up a lot of good points, and actually Senator Hawkinson brings up a lot of good issues also. You know, my question is -- is: Are you willing to accept an amendment or to -- to put the type of changes in that Senator Hawkinson has stated previously, or the safeguards, at least, for the consumer on this? Or would we just roll with what we have here?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President. I would urge my colleague to review the bill and to listen to the debate in its entirety and -- and vote accordingly. If there are issues that arise as a result of this, of course we're willing to consider amendments, or we're willing to consider other proposals to address those.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. As I read this - and this is in the form of a question so Senator Cronin could -- I don't know if it's as bad as Senator Hawkinson. Maybe I just read it wrong, Carl --

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Senator. There -- you have to disclose if it's more than six percent. But the example used was that if I -- if it's less than six percent, then you don't get the written disclosure. That's correct, as I read it. But I don't know what would happen - and this is -- if I go up to them and I say, "Was there any type of damage?" Now, they don't have to give the written disclosure, but I think if the car dealer comes up and says, "No, there wasn't", and tells me that or gives me something to that effect in writing, or I say I'm not buying this car unless I get that from you, I can still ask for that. I can still ask for that or say there's no deal. The second part of it is, that if I buy this car and find out -- I sell it for twenty thousand dollars or I go -- or I buy it for twenty, and I go to sell it, and one of -- the dealer I turn it into, which is a different dealer, says, "Hey, wait a second. This car was in an accident", and I said, "I did not know about that", and he said, "Well, I can't give you the five thousand; I can only give you forty-five hundred", I don't think that I'm precluded from suing the dealer I bought it from. I can't sue them for nondisclosure. That's correct. But I could still sue them for damages of the five hundred dollars I lost. So I don't think that I'm going to be precluded from bringing a lawsuit. The reason I like the bill is that right now I don't know what a new car dealer has to do or not do. This at least brings something. It forces them to do something. And I still -- it does not preclude me from coming up and saying, "Hey, I want to ask you a question: Was it involved in any type of accident?" And I don't think they have the right from this bill -- I guess they could say to me, "We're not telling you", but then what the heck? Why would I buy the car then? I still think they're precluded from lying to me and saying, "No, it was not involved." Then it's still actionable, regardless of this. So I think it's a good bill.

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PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you -- thank you very much, Mr. President. We did have a similar discussion while we were debating this bill in the Transportation Committee, and a lot of these issues were indeed brought out. As you can see by the roll call, most of us - in fact, I think all of us - were convinced at that time that indeed there was a problem. People who are receiving cars and found out there was a two-inch scratch have been suing these automobile dealers, and frankly, getting far above and beyond what it costs to -- to repair that scratch. And that -- that doesn't seem fair, when indeed the scratch is -- is taken care of and it happened during transport or -- or while on the lot. I think this is a good bill. I think it takes care of a situation that has been unfair. I think the consumer indeed is protected with the warranties. We went into that in great detail in the committee. And I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hawkinson, second time.

SENATOR HAWKINSON:

I don't know that I've done this before, and I apologize for rising a second time, but there's some misinformation going on here. First of all, there is no dealer warranty in this bill. The only warranty is a manufacturer's warranty. There is no dealer warranty, Senator Cronin, and if you read the bill, you'll see that. It is a manufacturer's warranty and the dealer, as the agent of the manufacturer, will do the repair. The consumer's not going to get stuck by it. But to say there's a dealer's warranty is -- is simply not -- the implication from several prior speakers that they wouldn't caught up in between is not necessarily so. Secondly, to Senator Molaro: If you'll read the bill on page 3, it

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says that in that circumstance, where there's no disclosure - doesn't talk about written disclosure - it says, in that circumstance, nondisclosure, and I read that -- and certainly there's been no assurance to the contrary - nondisclosure can mean you -- you just don't give them the information, whether they're asked or whether they're not asked. Nondisclosure does not constitute misrepresentation or omission of fact. I don't think that could be any clearer. That denies the consumer information and says it's okay to deny the consumer information. I recognize, as I said in my opening statements, that there's a real problem and that we can correct it simply, but to do it in this manner is overkill, and to do it simply because of fear of sending the bill back to the House seems to me out of proportion to the damage that we may be doing. And just ask yourself, if you're making that kind of an investment, or your constituents are making a ten-, fifteen-, twenty-thousand-dollar investment in a vehicle - almost akin to what we used to pay for our homes - whether or not you have a right, particularly when you ask, to get the information about whether there's been a thousand dollars worth of damage to that car.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. Ladies and Gentlemen, it -- it's obvious perhaps that this bill is not one-hundred-and-ten-percent perfect, but it certainly goes a long way to correct the problem. And I think, as we -- as we move through the process, at some point in the future, if -- if all these fears show up, this can be changed. But let's at least get started today and not let this thing drag on for years, as it's wont to do, simply because it is not absolute perfection. I'd suggest we vote for it.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR CRONIN:

Thank you very much, Mr. President. Ladies and Gentlemen of the Senate, I -- I appreciate the debate and discussion on this issue. Let me just emphasize a couple of quick points, finally. The bill provides that the manufacturer must disclose, in writing, before delivery of a new vehicle to the dealer. Currently there is no such disclosure requirement. This disclosure is not required, however, in this bill when the cost to repair the damage does not exceed six percent of the manufacturer's suggested retail price. That's based on the dealer's actual repair cost. That does not currently exist. So this is an effort to help the exchange of commerce. The bill also requires that the dealer disclose to the purchaser, in writing, any damage to the new vehicle that the dealer knows was sustained after the manufacturing process. The threshold is six percent. No such disclosure requirement is currently in -- in law. So this is a step in the right direction. The manufacturer's warranty -- and I apologize if there was any misunderstanding or if I was in the least bit misleading -- the manufacturer's warranty applies. I don't know where there is a dealer warranty to begin with. I'm talking about the manufacturer's warranty and it applies and the -- the dealer is responsible, inasmuch as the dealer is an agent of the manufacturer. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall House Bill 3322 <sic> pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 voting Yes, 11 voting No, no voting Present. House Bill 3322 <sic>, having...(machine cutoff)... House Bill 3522, having received the required constitutional majority, is declared passed. House Bill

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3611. Senator Sieben. Out of the record. With leave -- with leave of the Body, we will return to House Bill 3478. Senator Fawell. House Bill 3478. Senator Fawell. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 3478.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell.

SENATOR FAWELL:

Thank you very much, Mr. Chairman. This bill allows municipalities to use their share of the State motor fuel dollars -- tax dollars to pay up to fifty percent for any federal aid transportation project. The bill specifically would allow the use of MTI <sic> dollars for the construction of pedestrian paths, bike paths, bike lanes and bike parking facilities. The Municipal League, the DuPage Mayors and Managers, and the Illinois Association of County Engineers support the bill. IDOT and the Associated General Contractors are neutral. I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall House Bill 3478 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, no voting No, no voting Present. House Bill 3478, having received the required constitutional majority, is declared passed. Senator Klemm, for what purpose do you rise?

SENATOR KLEMM:

For a point of personal privilege.

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PRESIDING OFFICER: (SENATOR WATSON)

State your point, Senator.

SENATOR KLEMM:

I just want to announce to the Chamber that the St. Thomas Elementary School from Crystal Lake has joined us in the gallery. A special point is that my son's a member of the class, and my wife, Nancy, who many of you know, is one of the chaperones up there. And so I wanted you to give them a nice, warm welcome for Crystal Lake.

PRESIDING OFFICER: (SENATOR WATSON)

Will our guests please rise. Our guests in the gallery please rise, and welcome to Springfield. House Bill 4033. Senator Dillard. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 4033.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill is quite simple, and comes at the request of corporate fiduciaries throughout the State of Illinois, and what they want to do is just make absolutely clear in the Statutes of a practice that goes on now that allows common trust funds to -- to invest in mutual funds. It happens now, but what they need to do if they want to take a common trust fund, which is a pooling arrangement of a number of individual trusts, they have to send an individual letter to all of the folks out there and get a response positively back. And it's a practice that does go on now. They just want to not have to have as much cumbersome paperwork. And I would move its adoption or approval, and answer any questions

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anyone may have. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall House Bill 4033 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 voting Yes, no voting Nay, no voting Present. House Bill 4033, having received the required constitutional majority, is declared passed. House Bill 4176. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 4176.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. House Bill 4176 changes the name of the Illinois Local Governmental Law Enforcement Officers Training Board to the Illinois Law -- to the Illinois Law Enforcement Standards and Training Board <sic>. And it also adds to the Board the Board of Higher Education's Executive Director, increasing the membership from seventeen to eighteen members of the Board. I know of no objection, and seek your support.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall House Bill 4176 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 voting Yes, no voting No, no voting Present. House Bill 4176, having received the required constitutional majority, is declared passed. Senator Dudycz, do

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you wish to -- this bill returned 2nd Reading for the purposes of an amendment? House Bill 356. Senator Dudycz seeks leave of the Body to return House Bill 356 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 356. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 4, offered by Senators Dudycz, Burzynski, Hasara and Raica.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Floor Amendment No. 4 contains eight components. What it does, it adds, first of all, the contents of Senate Bill 1722 that passed the Senate 57 to nothing, to allow MEG units to investigate gun and gang-related offenses. Number two, it adds the components of Senate Bill 1705 that also passed the Senate with a vote of 56 to nothing, to include armed violence in the death penalty felony murder provision. Number three, it adds Senate Bill 1694 that passed the Senate 52 to 3, to clean up the stalking sentencing provision and add aggravated kidnapping to the list of offenses in the Habitual Offender Life Imprisonment Section, and allow use immunity on all criminal offenses. Number four, it adds Senate Bill 1352 that passed the Senate with a vote of 55 to nothing, to reverse the Beardsley eavesdropping case which would allow consensual overhears by law enforcement in certain cases when necessary for officer safety, and to expand wiretap to include murder, money laundering and gang-related felonies. And this -- this portion of the amendment also adds to wiretap, gun offenses that were in Senate Bill 1713. Number five, it creates a new offense of false personation of a parent or a legal guardian of a minor to a public or school

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officer or an -- or employee. The penalty would be -- a Class A misdemeanor. And number six adds the components of Senate Bill 1228 that passed the Senate with a vote of 58-nothing, to make it unlawful to possess drug paraphernalia with the intent to use it as drug paraphernalia. Number seven, it adds Senate Bill 1513 that passed the Senate 46 to 4, to allow the court to set up a special drug-testing program as a condition of release on a recognizance bond on a felony or drug offense. And finally, it adds Senate Bill 1717 that passed the Senate with a vote of 46 to nothing, to allow a Statewide Grand Jury to investigate gun and gang-related crimes.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Karpziel. Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. Will the sponsor yield for a question? Walter, what was the -- the vote total you gave on the amendment dealing with the wiretap, because I don't -- I didn't -- I don't remember that vote being that -- that lopsided on the wiretap bill?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCZ:

Senator Hendon, that was Senate Bill 1352, which passed the Senate 55 to nothing with one voting Present, to reverse the Beardsley eavesdropping case allowing consensual overhears by law enforcement in certain cases when necessary for officer safety and -- and to expand wiretap to include murder, money laundering, gang-related felonies. And...(microphone cutoff)...and like I said, it also adds to wiretap, the gun offenses that were in Senate Bill 1713.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

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SENATOR HENDON:

Thank you, Mr. President. Well, I have a problem. I must have been the one Present vote on that wiretap bill, because I know there was much discussion about the wiretap last year when that came up. And there was a lot of concern about the wiretap portion. I have no -- no problems with the -- with the rest of it. But I would like for the sponsor to expound a bit on the -- the wiretap portion of the amendment, so -- because I -- when you say consensual wiretap, I know when a police officer's life is in danger, but are there any other situations where the wiretap portion of that amendment would -- would apply or be applicable?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCZ:

Well, Senator, Senator Dillard was the sponsor of Senate Bill 1352, and I would defer to Senator Dillard to explain that portion of the amendment for you.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Senator Hendon, what we add for offenses for wiretapping are solicitation of murder, solicitation of murder for hire, first degree murder, money laundering, as well as the other offense that -- the drug offenses. I mean, I -- I think these are -- are reasonable and very, very heinous types of -- of activities that our law enforcement officers ought to have the ability to -- to use eavesdropping under a controlled setting. I mean, we're talking murder, money laundering - some very, very stiff types of crimes.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hendon.

SENATOR HENDON:

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Well, in conclusion, I -- I'm clear now that I am not talking about the same Senate bill, because my good friend wasn't a Senator at the time. I was concerned about a bill similar to this that we passed last year that -- that had far more reaching -- was far more wide-reaching than -- than what you're proposing here today. Thank you, Mr. Chairman.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Cronin.

SENATOR CRONIN:

Yes. I just want to ask the sponsor - this bill seeks to expand the powers of the Statewide Grand Jury. Do you know how many times the Statewide Grand Jury has been used under the current Attorney General, Democrat Roland Burris?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCH:

Two times, with eighteen indictments.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Shaw.

SENATOR SHAW:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Yes, the sponsor indicates he will yield, Senator Shaw.

SENATOR SHAW:

I wanted to get back to this wiretap, and it's my understanding that we have passed a number of these bills in -- in separate bills. And now, why did we -- why do we need to pass this -- bunch all of these bills up again and pass them again, dealing with the wiretap and the Statewide Grand Jury? Why do we -- why are we doing that?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

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SENATOR DUDYCZ:

Well, unfortunately, many Senate bills are being amended in the House, and it is the wise decision of the President of the Senate to keep our law enforcement Criminal Code initiatives alive, and we are amending them into the vehicle bills that we have available to us.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

Yeah. Could you tell us what the House are adding to these bills? Whether they're making them better or not?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCZ:

Well, Senator, they're still in -- they're still in committee - in the House committees - and we don't know what they are adding in those bills, because they haven't been voted out of committee yet.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Shaw.

SENATOR SHAW:

The other part -- why are we broadening the wiretap? I -- I -- one would assume that we're broadening this in terms of -- of wiretapping in this State. Why are we broadening this? We know that we have a -- when we passed the legislation giving the Attorney General indictment power and all of that, that was supposed to be the panacea to the drug problem that we had in this State, and now we come back, we want to -- will the Attorney General be able to wiretap under this bill?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCZ:

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My handler says, no, only State's attorneys may apply for the court orders.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

Doesn't the bill itself talk about law enforcement? Is the Attorney General considered a law -- a part of law enforcement in this State? Or did it -- does it exclude him?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCZ:

You're correct. The -- the Attorney General is law enforcement, but the law is clear that it's the responsibility of the individual State's attorneys to apply for -- to make the applications, not the Attorney General.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

Finally, I don't want to prolong this, but it -- it seemed to me when you go to -- you're eroding people's rights a little bit at a time on this wiretapping business. And I -- I think most of us here, we don't have anything to hide, but certainly there are citizens out there and information that you would receive under the wiretapping. Say that you was looking at a drug dealer here. If other information that you received that might be criminal in nature, what would you be allowed to do with that, once you received it?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCZ:

I'm sorry, Senator. I didn't understand your question. Could you clarify it for me, please?

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PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

Under the -- wiretap, you are looking for drugs; you're dealing with drugs. Once you obtain other criminal activities or information, what would you be permitted to do -- allowed to do with it under this bill?

PRESIDING OFFICER: (SENATOR WATSON)

Senator...

SENATOR SHAW:

Is this bill structured similar to the -- setting up the Attorney General's grand jury powers?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCZ:

Senator, as long as the drug activity is being monitored, any information that is being received by the law enforcement agencies as collateral material, I guess would -- would be admissible.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

Would you repeat that again?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz, for a second time.

SENATOR DUDYCZ:

If the -- if the law enforcement agency is monitoring the activity for -- for the drug activity - the language that is being tapped - if there is other -- in conjunction with that drug language, if there is any other information of a criminal nature that is brought into that conversation, then the law enforcement community can proceed with the -- with the enforcement of it.

PRESIDING OFFICER: (SENATOR WATSON)

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Senator Shaw.

SENATOR SHAW:

So we're not structuring this the same way we structured the Statewide Grand Jury power, because it was my understanding that the passing -- when we passed that legislation, they were prohibited from bringing in anything that was not directly related. And I know what you said.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President and Members. To the amendment: The problem I have is I think this amendment, in the way it's presented -- I'm not sure what happened in the House. I have no idea what they attach. And, Senator Dudycz, I could certainly understand with what's going on in the last two Houses, what you're trying to accomplish. But the problem is, and why this is totally unfair -- and -- and I found out, and I think our Parliamentarian will tell me that I cannot cut up an amendment. This is Amendment No. 4, so I can't cut it up. There are, as I count them, sixteen different types of things that we are trying to do to the Criminal Code, of which I wholeheartedly agree to thirteen, and I don't want to be recorded as No on these thirteen. But there are three that I think are terrible. Now you've put me in an unenviable position, and every Senator here, that if there's one or two of these things that we don't agree to, we have to vote No, and if somebody pulls this roll call, we're voting No on about fourteen good provisions. And I'm just wondering if there's another way that you can do this, because I'm assuming I cannot divide this amendment. And for the record, the Parliamentarian is shaking her head yes, Senator.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

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SENATOR DUDYCZ:

Yeah. I -- I guess I'm a little bit confused by your statement, Senator. When -- when I was reading off the -- the various bills that we -- that we passed previously, they were at votes of like 57 to nothing, 56 to nothing, 52 to 3, 55 to nothing, and we're trying to accommodate the -- the entire Senate to -- with a package that can -- that can have some teeth in it, some law enforcement effectiveness, and something that the majority of us can vote for. Now I understand if you have a problem with a component for it, Senator. You know, there are many bills that the Senate President says, "I have a problem with a portion of it, but I'm going to hold my nose and vote on it, because it has a -- a majority of it is something which I find acceptable and find very much desirable." That's your prerogative, Senator, but this is the package that was handed to me, and this is -- the one I'm going to attempt to pass.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Molaro.

SENATOR MOLARO:

Not -- not to belabor the point, but you just said that some were voted 56 to 3 and some of these I have a problem with. It's not a single bill that the President or someone else may have a problem with and say I'm going to swallow on this single bill and vote Yes or vote No anyway. This is a problem where you have distinct separate thoughts, distinct separate concepts that we have voted on previously, and now I'm going to be forced to vote No on -- on things I voted Yes on previously, because there are certain things that just -- I cannot in good conscience vote Yes for. And it's terrible, and I just don't think it's right. But that's all.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Petka.

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SENATOR PETKA:

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

PRESIDING OFFICER: (SENATOR WATSON)

Yes, the sponsor will yield, Senator Petka.

SENATOR PETKA:

In response to a question that was asked previously, Senator, about the use of the Statewide Grand Jury: Do you recall the types of offenses that -- that were involved at that time?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCYZ:

Well, the -- the one that we previously passed, Senator, were dealing with drugs and exclusively in drugs - my understanding. These are -- are a little bit more expansive. We're dealing with murder, money laundering, gang-related offenses, gun offenses. It's not exclusive to drugs, as -- as was passed previously.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Petka.

SENATOR PETKA:

We passed the Statewide Grand Jury bill in 1990 and for -- then for a period of four years, we've had two drug-related prosecutions through a Statewide Grand Jury. In your opinion, Senator, what -- how do you perceive the Statewide Grand Jury role being expanded by gun- and gang-related crimes to have any impact on crime, if it's only been used twice in the last four years?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCYZ:

Senator, I don't know how I could answer that. You -- we give the tools to law enforcement in our State. We have the confidence that they have the ability, desire and the -- the means to -- to proceed with their prosecutions and then their enforcement.

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PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Petka.

SENATOR PETKA:

So are -- then, are you suggesting that perhaps the -- if you had a proactive professional law enforcement officer in the Attorney General's Office, like Jim Ryan, that this would perhaps be used?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCZ:

Yes.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I apologize for rising a second time. But I -- I do want to ask the sponsor just a few questions. In the bill last year, when a conversation was picked up that had nothing to do with the case at hand, it was stated that that -- those recordings would be held for life. And -- and -- and then anyone twenty years from then, thirty years from then, could have access to that information. What is the -- what is the situation, circumstances, with nonrelated criminal activity on conversation picked up, under this bill?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCZ:

Well, if it doesn't deal with any criminal offenses and has nothing to do with the investigation under hand, then that's when they would be held in confidence. They would be kept private.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hendon.

SENATOR HENDON:

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Well, Mr. -- I mean, I understand "kept private". What I'm talking about is how long will it -- language in some library where a new State's attorney could come in or a clerk can come in ten years from now and possibly blackmail somebody for something that was totally unrelated to the case at hand. My question is not the privacy aspect, but how long will these records be maintained? And that was what I was trying to get to earlier, under the earlier legislation that did not pass this Body - last year, I believe, or if it did pass, it was very close, and did not pass the House - the question was, what about conversation that had nothing to do with the investigation, that was innocently picked up - how long would that conversation lie around, or will that conversation be destroyed?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCZ:

Well, there's a minimization requirement, Senator, whereby the -- the law enforcement officials monitoring the conversations are required to -- if the conversations drift away from their monitoring intent -- in other words, if -- if you and I are speaking regarding some drug activity, and we are being monitored by law enforcement community, and all of a sudden our conversation turns to the Super Bowl or Bulls or -- or our families or anything private, then they're required to shut off -- they can maintain their monitoring, but they are required to shut off the -- the recording machines. And then if our conversation returns to the criminal activity that is granted by the courts to be monitored, then they -- they are allowed to turn those machines back on.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

SENATOR HENDON:

...(microphone cutoff)...Chairman, and I do truly apologize.

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But, Walter, I'm trying to get to one point and one point alone. What if that conversation is picked up, and somebody fouled up - they didn't turn off the recorder, and -- and Senator Dudycz says something that his wife wouldn't be happy with - not that you would - would that conversation -- because it says here, as I read it, any private oral communication intercepted in accordance with subsection blah, blah -- if practical, be recorded by tape or other comparable <sic> method. The recording shall, if practicable, be done in such a way as will protect it from editing or other alteration. And I'm saying -- my position is - and we need to really hear this - if such a conversation is picked up that has nothing to do with crime but may be embarrassing to -- to your personal life or your family life, then that conversation should be edited. And my question to you is, what happens if that innocent conversation is picked up anyway? Will it -- will it languish around for twenty or thirty years and come back and harm someone terribly for no other reason than somebody got it and wanted to blackmail them or -- or get political retribution? And I'm not married, so I don't have that problem -- you know -- about my wife hearing anything. But that's something -- July 23rd. That's something that -- that you should think about. And my question to you is: What happens to unrelated noncriminal conversation that happens to be picked up? Will that be destroyed, or will it be filed away somewhere for somebody to stumble upon twenty, thirty, fifty years later?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCZ:

Well, thank you, Senator. I appreciate your comments, and I -- I would hope that I would not say anything that would offend my wife when I speak with you, publicly or privately. But -- but I guess to -- to -- to respond to your question, I guess the best

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way to do it, maybe to your satisfaction, Senator, is to read the two sentences that would -- that apply, as far as the current Criminal Code. One second, please. Okay. The Section -- Section 108B-9. "Immediately upon the expiration of the order or its extensions, the tapes, and other recordings, shall be transferred to the chief judge issuing the order and sealed under his direction. Custody of the tapes, or other recordings, shall be maintained wherever the chief judge directs." And "they shall not be destroyed, except upon an order of a court of competent jurisdiction" except -- "and in any event shall be kept for 10 years." So they shall be kept for ten years, Senator, and if -- if the judge decides to -- to have them destroyed - the chief judge - sooner, he can.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz will yield, Senator Hall.

SENATOR HALL:

Senator, I see that this bill was amended over here, right? Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR HALL:

And -- and...

SENATOR DUDYCZ:

That's what I'm attempting to do right now, Senator.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hall.

SENATOR HALL:

...I don't remember exactly what you said. I thought you said

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that all these amendments we've been talking about is -- is in that. Is that what you're trying to do right now?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCYZ:

Senator, we're on 2nd Reading. I'm attempting to amend House Bill 356 with eight provisions from previous bills, most of which had passed previously, the Senate, and are somewhere in the other Chamber.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Seeing none, Senator Dudycz, would you like to close? All those in favor, say Aye. A roll call has been asked for. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 47 voting Yes, no voting -- 9 voting No, 3 voting Present. And the amendment is adopted. 3rd Reading. Are there any -- okay. Error by the Chair, and we now have to recall this, Senator, back to 2nd Reading, and I'd ask leave of the Body to return Senate Bill -- or House Bill 298 <sic> (356) to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 298 <sic>. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 5, offered by Senator Karpziel.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpziel, on Amendment No. 5.

SENATOR KARPIEL:

It is Amendment 5 to House Bill 356, correct?

PRESIDING OFFICER: (SENATOR WATSON)

That is correct.

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SENATOR KARPIEL:

Well, you had another number up there, that's why. Okay. Thank you very much. Amendment 5 to House Bill 356 simply requires that the releasing authority notify a concerned citizen upon a defendant's discharge from jail, or from a mental health facility, or parole, or if they've -- they've escaped or whatever, but it does notify a concerned citizen upon the post -- about a post-conviction petition and hearing, if the concerned citizen does request that in writing.

PRESIDING OFFICER: (SENATOR WATSON)

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

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading.

PRESIDING OFFICER: (SENATOR DONAHUE)

Leave was requested earlier to go back to House Bill 504. So on the bottom of your page 4 -- middle of the page 4 is House Bill 504. Senator Watson. Do you wish this bill to go back to the Order of 2nd Reading for the purposes of an amendment? Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 504. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Watson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson, on Amendment No. 2.

SENATOR WATSON:

Yes, thank you. Thank you, Madam Chairman -- or, President. I appreciate that. We -- this particular amendment takes out some

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provisions that the Press Association objected to in committee. I would ask for its approval.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Klemm.

SENATOR KLEMM:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Klemm. Senator...

SENATOR KLEMM:

The question I have, Senator Watson, is that we recently have passed a revised bill for the Open Meetings Act. How would this amendment then fit into that language that we adopted? Because that would -- if that is signed before this is, then this bill may -- may or may not be in order. And I was just wanting to be sure that, you know, would fit in with the new proposed changes, rather than the old Open Meetings Act.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Yes, thank you. This takes out all the provisions dealing with the Open Meetings Act. The legislation does not deal now with the Open Meetings Act.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? Further discussion? Senator Watson, to close. All those in favor, say Aye. Opposed, Nay. The Ayes have it. Amendment is adopted. Are there any further Floor amendments for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. The intent of the Chair is to proceed to page 13, on the Order of Secretary's Desk, Non-concurrence, House

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Bills. And on that Order is House Bill 4, sponsored by Senator Maitland. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

I have Senate Amendment No. 1 to House Bill 4.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much.

PRESIDING OFFICER: (SENATOR DONAHUE)

To explain your motion or your amendment. Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate.

I move that the Senate refuse to recede from Amendment No. 1 to House Bill 4.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland has moved that the Senate refuse to recede from the adoption -- no -- from the adoption of Senate Amendment No. 1 to House Bill 4, 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 will so inform the House. Senator Fitzgerald, for what purpose do you rise?

SENATOR FITZGERALD:

Thank you, Madam President. I rise for the purpose of transferring sponsorship of House Bill 539 to Senator Pate Philip.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fitzgerald requests that the sponsorship of House Bill 539 be changed to read Senator Philip. It will be so ordered. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Madam President, Ladies and Gentlemen of the Senate, there will be a Republican Caucus immediately after this morning's Session. Immediately hereafter, Republican Caucus.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Now, the intent of the Chair is that we will recess until the call of the Chair, for the purposes of reading in committee paperwork. There will be no further action on the Senate. Senator Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

Yes, thank you, Madam President. There are committees -- maybe I missed this. There are committees that were scheduled, and there's now going to be a Republican Caucus. So could you tell us when the committees would -- would meet - 2 o'clock committee meetings.

PRESIDING OFFICER: (SENATOR DONAHUE)

Each -- we'll have them each announce that. Senator Mahar, for what purpose do you rise?

SENATOR MAHAR:

I guess Senator Cullerton makes a good point. I don't know when to -- how long do you figure the caucus is going to be, so that the Members will know when to -- when to convene the committees?

PRESIDING OFFICER: (SENATOR DONAHUE)

Let's just stand at ease for just a minute, and I'll be able to tell you. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Also, could you find out what time we're coming back tomorrow, because if we're going to go to -- if the Republicans are going to caucus, and we're going to go to committee and we're coming back to read in committee reports, our guys would kind of like to know what time we're coming back tomorrow so they don't have to stick around and listen for the message.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate committees -- if I could have your attention. Senate committees will meet at 3:30, and we will be adjourning at the end

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of the day until 2 o'clock tomorrow morning -- or, tomorrow afternoon. Senator Demuzio.

SENATOR DEMUZIO:

Is it also the intention of the Rules Committee then to meet at 3 o'clock today, as was previously noticed?

PRESIDING OFFICER: (SENATOR DONAHUE)

Rules Committee will meet at 4 o'clock. 2 o'clock tomorrow afternoon. 4 o'clock for Rules. 3 o'clock -- 3:30 for all other committees. Senator Demuzio.

SENATOR DEMUZIO:

4 o'clock today, Rules, and then 2 o'clock tomorrow Session, and then 3:30 something else today, to do what and whatever. Thanks.

PRESIDING OFFICER: (SENATOR DONAHUE)

I will repeat myself, Senator Demuzio. 3:30 for all committees, 4 o'clock for Rules, 2 o'clock Session tomorrow afternoon. We will be in recess until the call of the Chair. Senator Dunn, for what purpose do you rise?

SENATOR R. DUNN:

Thank you, Madam President. State Government Operations and Executive Appointments will meet in the morning at 9 o'clock in Room 212.

PRESIDING OFFICER: (SENATOR DONAHUE)

9 o'clock. Senator Syverson, for what purpose do you rise?

SENATOR SYVERSON:

Purpose of announcement. Local Government's will meet at 9 a.m. tomorrow morning in A-1.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Smith, for what purpose do you rise?

SENATOR SMITH:

I'd like to get a -- a correct announcement as to when will Health-Education? We're scheduled for in the morning at

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10 o'clock, as I understood...

PRESIDING OFFICER: (SENATOR DONAHUE)

Tomorrow's -- tomorrow's schedule is in your Calendar, and it will meet when it is on the Calendar.

SENATOR SMITH:

Well, it was scheduled for today; however, I want to find out today, tomorrow.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson.

SENATOR SYVERSON:

Public Health is scheduled for 12 o'clock tomorrow. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Woodyard, for what purpose do you rise?

SENATOR WOODYARD:

Thank you, Madam President. I'm sure this will make everybody very happy. The Senate Ag-Conservation Committee will not meet tomorrow morning at 8:30.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate stands in recess till the call of the Chair.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate will come to order. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to

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committees: To the Committee on Education - Senate Amendment 3 to House Bill 2107, Amendments 1 and 5 to House Bill 3244 and Amendment 2 to House Bill 3457; to the Committee on Environment and Energy - Amendment 4 to House Bill 44; to the Committee on Financial Institutions - Amendment 2 to House Bill 3582; to the Committee on Insurance, Pensions and Licensed Activities - Amendments 2 and 3 to House Bill 61 and Amendment 2 to House Bill 3485; to the Committee on Local Government and Elections - Amendment 2 to House Bill 1569 and Amendment 3 to House Bill 1635; to the Committee on Public Health and Welfare - Amendment 3 to House Bill 539, Amendment 2 to House Bill 742, Amendment 1 to House Bill 1391, Amendments 2 and 3 to House Bill 1853, Amendments 1 and 2 to House Bill 2221, Amendment 3 to House Bill 2424 and Amendments 2, 3, 4, 5, 6 and 7 to House Bill 3278; and to the Committee on Revenue - Amendments, 2, 3, 4 and 5 to House Bill 2631; also to the Committee on Transportation - Senate Amendments 2 and 3 to House Bill 1513, Amendment 1 to House Bill 3094 and Amendments 1 and 2 to House Bill 3551.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further business to come before the Senate? If I could have your attention then, the Senate will convene in perfunctory Session tomorrow morning, Thursday, at 9 a.m., for the purposes of reading in reports only. The regular Session of the Senate will convene at 2 o'clock tomorrow, Thursday, May 19th. The Senate stands adjourned.

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