

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
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PRESIDENT ROCK:

The hour of ten having arrived, the Senate will please come to order. Will the Members be at their desks, and will our guests in the gallery kindly rise. Our prayer this morning by the Reverend Glenn VanderKloot, Faith Lutheran Church, Springfield, Illinois. Reverend.

THE REVEREND GLENN VANDERKLOOT:

(Prayer by the Reverend Glenn VanderKloot)

PRESIDENT ROCK:

Thank you, Reverend. Reading of the Journal, Madam Secretary. Senator Hall.

SENATOR HALL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move that reading and approval of the Journals of Wednesday, June 17th; Thursday, June 18th; Friday, June 19th; Monday, June 22nd; Tuesday, June 23rd; and Wednesday, June 24th, in the year 1992, be postponed, pending arrival of the printed Journals.

PRESIDENT ROCK:

...(machine cutoff)...the motion as placed by Senator Hall. Any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and it is so ordered. Messages from the House.

SECRETARY HAWKER:

A Message from the House by Mr. O'Brien, Clerk.

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

Senate Bill 626, together with House Amendments 1, 3, 4, 5, 6 and 7.

Passed the House, as amended, June 24, 1999 <sic>.

I have like Messages on:

Senate Bill 689, with House Amendments 1 and 2;

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Senate Bill 969 with House Amendments 1, 4 and 6 and
7;

Senate Bill 1490 with House Amendment 1;
Senate Bill 1518 with House Amendment 2;
Senate Bill 1556 with House Amendment 1;
Senate Bill 1640 with House Amendments 1 and 2;
Senate Bill 1650 with House Amendments 1 and 3;
Senate Bill -- pardon me -- 1717 with House
Amendment 1;

Senate Bill 1763 with House Amendments 1 and 2;
Senate Bill 1768 with House Amendments 1, 3, 6 and
7;

Senate Bill 1770 with House Amendments 1 and 2;
Senate Bill 1773 with House Amendment 1;
Senate Bill 1803 with House Amendment 1;
Senate Bill 1956 with House Amendments 1, 4 and 5;
Senate Bill 1965 with House Amendments 1 and 3;
Senate Bill 1992 with House Amendment 1;
Senate Bill 2051 with House Amendments 1 and 5;
Senate Bill 2057 with House Amendments 1 and 2;
Senate Bill 2075 with House Amendments 1 and 2;
Senate Bill 2093 with House Amendment 1;
Senate Bill 2097 with House Amendment 1;
Senate Bill 2100 with House Amendments 1, 2, 3 and
4;

Senate Bill 2169 with House Amendment 1;
And Senate Bill 2170 with House Amendment 4.

PRESIDENT ROCK:

Secretary's Desk, Concurrence. Resolutions.

SECRETARY HAWKER:

Senate Resolution 1445 offered by Senator Di Turi and all
Members.

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Senate Resolution 1446 offered by Senator Macdonald.

Senate -- Senate Joint Resolution 177 offered by Senator DeAngelis.

And Senate Joint Resolution 178 offered by Senator Janet J. Joyce.

They're all congratulatory.

PRESIDENT ROCK:

Consent Calendar. Resolutions.

SECRETARY HAWKER:

Senate Resolution 1447 offered by Senator Topinka.

And Senate Resolution 1448 offered by Senator Topinka.

They are both congratulatory.

PRESIDENT ROCK:

Consent Calendar. Senator Joyce, for what purpose do you arise?

SENATOR JOYCE:

I -- I -- Mr. President, I move to suspend the rules for immediate consideration and adoption of Senate Joint Resolution 178. This is a congratulatory resolution.

PRESIDENT ROCK:

All right. The Lady has moved to suspend the rules for the immediate consideration and adoption of Senate Joint Resolution 178, a congratulatory resolution. All in favor of the Motion to Suspend, indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Joyce now moves the adoption of Senate Joint Resolution 178. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. All right. Ladies and Gentlemen, if I can turn your attention to the Recall List. We are going to begin on the Order of House Bills 3rd Reading, and we will deal with those bills that have been ruled exempt. There are a number of Members who have -- again indicated their desire to recall

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bills, and we will handle those first, and then they, too, with leave of the Body, will be dealt with on 3rd Reading - passage - at the end of the call. In addition to the list you have, 3638 should be added, as well as 3815. 3638 is Senator Cullerton, and 3815 is Senator Jones. WAND-TV and WSSU-FM have requested permission to shoot some videotape and tape record respectively. Without objection, leave is granted. I would ask those Members who have indicated their desire to call bills back, to please join us. That is Senators Marovitz, Jones, Welch, Savickas, Cullerton, Topinka, Welch and Jones. 3815. With leave of the Body, we'll start on the Order of House Bills 3rd Reading, on page 10 on the Calendar. Page 10, Ladies and Gentlemen. On the Order of House Bills 3rd Reading is House Bill 2824. Senator Marovitz seeks leave of the Body to return that bill to the Order of 2nd for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2824, Madam Secretary. All right. Senator Marovitz. Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President. I would like to leave Amendment No. 1 on the bill, and deal with Amendment No. 2.

PRESIDENT ROCK:

Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senators Marovitz and Philip.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. Amendment No. 2 deals with a problem which -- the State of Illinois finds itself in a unique position where one of our courts has found liability on sports franchises for foul balls that are hit in the stands, unlike other jurisdictions around the country.

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And Amendment No. 2, sponsored by myself and Senator Philip, clarifies the fact that there is no liability in those kind of situations. I would ask for the adoption of the amendment.

PRESIDENT ROCK:

Senator Marovitz has moved the adoption of Amendment No. 2 to House Bill 2824. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments? I'm sorry. Senator Kelly, for what purpose do you arise?

SENATOR KELLY:

Mr. President, my light was on.

PRESIDENT ROCK:

I'm sorry.

SENATOR KELLY:

On this issue concerning these foul balls, you know, it's one thing to take off the owners of the ball parks from the responsibility, but a lot of families and a lot of people are not aware - and I think the parks ought to do more to advise them - of the dangers involved. There's too many children and minors and women that have not, you might say, been ballplayers and have seen these line shots that come off faster than the -- the guns that the Senator has been trying to stop. I think that these ball parks ought to take a look at something like they do in hockey, between first base and home base, and between third base and home base; they ought to have some kind of a plastic shield that goes up about six feet high that they can see through, but yet protects them from bodily injury. And I think the Senator ought to take that into consideration as he proceeds with this legislation.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of Amendment No. 2 to House Bill 2824. Is there any further discussion? If

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not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Jones, page 12. On the Order of House Bills 3rd Reading. All right. Ladies and Gentlemen, if I can ask you, please - today is the deadline day, and we have a pretty significant workload. So I would ask you, please, and ask the staff, to take the conferences off the Floor, and ask for the attention of the Membership. On the Order of House Bills 3rd Reading is House Bill 3188. Senator Jones seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3188, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Jones.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President, Members of the Senate. Amendment No. 1 to House Bill 3188 creates the General Professional Dedicated Fund for the Department of Professional Regulation. It increases fees for certain professions, and provide for appropriation of direct expenses dedicated to the Department of Professional Regulation. This amendment is the bill, in essence, and I move its adoption.

PRESIDENT ROCK:

Senator Jones has moved the adoption of Amendment No. 1 to House Bill 3188. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

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SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Madigan, for what purpose do you arise?

SENATOR MADIGAN:

Mr. President, I thought I had my light on. I was just going to ask the sponsor a question.

PRESIDENT ROCK:

Oh. All right. Sponsor indicates he'll yield, Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senator Jones, hopefully, it's your intention to move this bill into a conference committee?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Yes. I -- I understand there still may be some concern. I understand your side is concerned about certain numbers and figures, and so forth. So we plan to pass it and put it in conference committee.

PRESIDENT ROCK:

All right. Further discussion on Amendment No. 1? If not, Senator Jones has moved the adoption of Amendment No. 1 to House Bill 3188. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Page 13. Senator Welch? Senator Welch seeks leave of the Body to return House Bill 3605 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is

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granted. On the Order of House Bills 2nd Reading is House Bill 3605, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Welch.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

House Bill 3605 was a bill that originated with the Illinois Bankers Association. For the last several weeks, we have had conferences and discussions with the Environmental Protection Agency. This amendment was drafted last night. We didn't get the final input of the Environmental Protection Agency, but this is the best compromise that I think we could work out under the circumstances. The original bill provided for a conclusive presumption on behalf of a landowner. What we've done is change that to a rebuttable presumption, based on certain requirements of a Phase I Audit. The Environmental Protection Act requires that, before land is transferred, there be some reasonable search to determine if the property is contaminated. That's called a Phase I Audit. This, basically, says that if a Phase I Audit is performed, the Phase I Audit is given the rebuttable presumption of being accurate. I'd be glad to try to answer any questions on the bill.

PRESIDENT ROCK:

Senator Welch has moved the adoption of Amendment No. 1 to House Bill 3605. Discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I rise just to compliment Senator Welch, and tell him how much I appreciate and how important it is for this particular amendment to have been put on this bill. It now has removed a lot of my objections to the bill, and while the bill still has some problems - the Environmental Protection Agency

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still has some problems with the bill - certainly this bill has come a long way with this very important compromise. And again, congratulations, Senator Welch.

PRESIDENT ROCK:

Senator Welch has moved the adoption of Amendment No. 1 to House Bill 3605. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. WCIA-TV has also requested permission to shoot some videotape. Without objection, leave is granted. Senator Savickas, on 3610. Sponsor does not wish that recalled, Madam Secretary. Take it off the list. Page 13. A late entry. 3638. Senator Cullerton seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3638, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Cullerton.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This amendment is a late entry, because it was -- just -- just came up from the Reference Bureau. It's a result of negotiations between the Illinois Association of Realtors and the Lead Paint Coalition. It's an excellent compromise. It embodies definitions of the word "abatement." It calls, for the first time, for mitigation of lead hazards, and it also calls for the licensing of people who remove this lead paint from -- from buildings. So I would ask for the

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adoption of the amendment.

PRESIDENT ROCK:

Senator Cullerton has moved the adoption of Amendment No. 2 to House Bill 3638. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Top of page 14. Senator Topinka seeks leave of the Body to return House Bill 3739 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3739, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 5 offered by Senator Topinka.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, this, in essence, is a technical amendment, which helps to effectuate the agreement between the Chicago Board of Education and the Chicago Teachers' Union on the issue of supernumerary teachers. It was a -- the language was inadvertently left out of Senate Amendment No. 4.

PRESIDENT ROCK:

Senator Topinka has moved the adoption of Amendment No. 5 to House Bill 3739. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

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PRESIDENT ROCK:

3rd Reading. 3815. Senator Jones. Middle of page 14, Ladies and Gentlemen, is House Bill 3815. Senator Jones seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3815, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Jones.

PRESIDENT ROCK:

Senator Jones, on Amendment No. 1.

SENATOR JONES:

Thank you, Mr. President. Amendment No. 1 permits the Department of Professional Regulation to recognize the successful completion of exams conducted by -- by approved regional testing services. It defines successful completion as having achieved the minimum passing score, as determined by the testing service, and I move its adoption.

PRESIDENT ROCK:

Senator Jones has moved the adoption of Amendment No. 1 to House Bill 3815. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Top of page 15. Senator Welch seeks leave of the Body to return House Bill 4112 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 4112, Madam Secretary.

SECRETARY HAWKER:

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Amendment No. 2 offered by Senator Welch.

PRESIDENT ROCK:

Senator Welch, on Amendment No. 2.

SENATOR WELCH:

Thank you, Mr. President. What this amendment does is delete the original bill, and establish and create the Illinois Recyclable Markets Development Act. This Act passed through the House, and passed out of the committee in the Senate. We've been working on it. The original intent of the bill remains intact. What the changes have come to are the result of the Task Force on Recycling Markets. They place the Recycling Market Development Authority within the Illinois Development Finance Authority and do not create a new authority. Other than that, the bill is pretty much the same. It creates an Advisory Council as part of IDFA to review and then recommend any and all project applications relating to manufacturing, production or construction of recyclable market commodities, buildings or facilities that come before the Authority. I'd be glad to answer any questions.

PRESIDENT ROCK:

Senator Welch has moved the adoption of Amendment No. 2 to House Bill 4112. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Joyce, for what purpose do you arise?

SENATOR JOYCE:

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

PRESIDENT ROCK:

State your -- state your point, please.

SENATOR JOYCE:

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I have a high school group here from my district today, from Kankakee, and I'd like you all to greet them, please.

PRESIDENT ROCK:

Will our guests please stand and be recognized. Welcome to Springfield. All right. Ladies and Gentlemen, if I can have your attention. We're going to begin on the Order of House Bills 3rd Reading. This is Thursday, June 25th. This is, indeed, the deadline. There is no guarantee we're going to get back to any of these bills. We will deal with those bills that have been ruled exempt. We will then deal with those bills that have this morning been recalled for amendments. And then we will go to the Order of Consideration Postponed. And at that point, we will have concluded our business for today. If I can direct your attention to page 9 on the Calendar, we have bills by Senators Berman, Jones and Jacobs. Page 9 on the Calendar, Ladies and Gentlemen. We will be going from pages 9 to page 15. One time. Senator Berman, on 1081. Madam Secretary, on the Order of House Bills 3rd Reading, in the middle of page 9, is House Bill 1081. Read the bill, please.

SECRETARY HAWKER:

House Bill 1081.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1081 specifies the reporting and payment dates for special education claims submitted by local school districts to the State Board; and when the residency of a special ed student in a residential treatment center is disputed, it allows the State Superintendent to determine the district of residency for payment

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of the expenses of that residency. Be glad to respond to any questions, and solicit your Aye vote.

PRESIDENT ROCK:

The Gentleman has moved passage of House Bill 1081. Is there any discussion? If not, the question is, shall House Bill 1081 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 1081, having received the required constitutional majority, is declared passed. 1516. Senator Jones. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

House Bill 1516.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. House Bill 1516, as amended, which is the bill, permits limited health service organizations to offer point-of-service products to enrollers. The point-of-service products would be limited, under this bill, to ten percent of the total services enrolled. This is a recommendation from the Department of Insurance and those involved with HMOs. It's an agreed bill, and I ask for a favorable vote.

PRESIDENT ROCK:

The Gentleman has moved passage of House Bill 1516. Is there any discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. Will the sponsor yield for a question?

PRESIDENT ROCK:

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Indicates he will yield, Senator Fawell.

SENATOR FAWELL:

Senator Jones, as I was coming in today, the -- I was stopped and told that there was a bill on the Floor about dental health, and that there was some opposition to this. Can you explain exactly what in the world this bill does, please?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

I believe, in reading your mind, Senator Fawell, this is not the bill that I believe that person talked to you about, if you're talking about dental health. I know what you are talking about, but this is not this bill. What this bill does is -- permit limited health organizations the prerogative, as other health organizations, to offer certain services. So this is not the bill that you are thinking about. If that bill comes about, you'll be the first to know.

PRESIDENT ROCK:

Further discussion? Any further discussion? If not, the question is, shall House Bill 1516 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. House Bill 1516, having received the required constitutional majority, is declared passed. Bottom of page 9. 2016. 2016, Madam Secretary. Read the bill, please.

SECRETARY HAWKER:

House Bill 2016.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

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Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 2016, as amended by Senator Keats, represents approximately one year's work on a subject that -- that creates a bill to permit financial institutions to fluctuate interest rates based on the borrower's payment record. The amendment permits financial institutions to lower rates of interest when the borrower has a history of debt payment, or to temporarily increase the rate of interest if the borrower has failed to make at least two consecutive payments. And I -- I reemphasize: two minimum consecutive payments. This bill is supported by the Commissioner of Banks and Trusts, the Illinois Financial Services Association, Community Banks of Illinois, Household Finance and the Illinois Retail Merchants. I know of no existing opposition, and ask for your support.

PRESIDENT ROCK:

The Gentleman has moved passage of House Bill 2016. Is there any discussion? Any discussion? If not, the question is, shall House Bill 2016 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 4 Nays, none voting Present. House Bill 2016, having received the required constitutional majority, is declared passed. 2758. Senator Carroll. 2767. Senator -- I'm sorry. Senator Luft. It was not ruled exempt. It's been sitting there since... We'll do it next year. ...(machine cutoff)...of page 10. 2758. Senator Carroll. 2767. Senator Dart. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

House Bill 2767.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDENT ROCK:

Senator Dart.

SENATOR DART:

Thank you, Mr. President, Members of the Senate. House Bill 2767 does approximately four things. It will increase the penalty for second or subsequent violations of order of protections from a Class A misdemeanor to a Class 4 felony. It would also clarify a section of the law dealing with sexual acts committed with children, by creating the offense of sexual exploitation of a child. This was in response to recent case law. Thirdly, it would also tend to deal with a growing problem that they're having with youth street gangs. The State Police asked us if we could put something in that would allow them an easier time in getting access to information on youth street gangs. And finally, there's a provision which was provided by the Department of Corrections, which would assist them in parolees and people going on mandatory supervised release by allowing -- removing a requirement that a prisoner sign a release form that they are now required to do. This is supported by the Department of Corrections and the Prisoner Review Board, and I'd ask for the passage of this.

PRESIDENT ROCK:

The Gentleman has moved passage of House Bill 2767. Discussion? Any discussion? If not, the question is, shall House Bill 2767 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. House Bill 2767, having received the required constitutional majority, is declared passed. 2798. Senator Macdonald. Senator Macdonald indicates she does not wish the bill called. 2824 was on the Recall. We will come back around and pick that one up. 2916.

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Senator Cullerton. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

House Bill 2916.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. The bill contains, basically, two provisions. The first part amends the Municipal Code, and says the cost of demolition, repair, enclosure or removal of unsafe buildings is recoverable from the owner or owners of the property, or the previous owner of the property, if transferred during the fifteen-day written notice period. Current law permits the corporate authorities, in certain circumstances, to apply to the courts for an order authorizing action to be taken with respect to unsafe buildings, and the cost of demolition and repair, et cetera, is recoverable from the owner or owners of the building. This bill adds that costs may be recoverable from the previous owner if the property was transferred during the fifteen-day notice period. The second part of the bill was an amendment which seeks to recodify Article III of Chapter 24, and it's the work of actually many years' efforts by the Local Government Section Council of the Illinois State Bar Association. The amendment proposes no substantive changes to the existing provisions of Article III, and it's intended to be strictly and exclusively a recodification of those provisions. I would be happy to answer any questions, and ask for an Aye vote.

PRESIDENT ROCK:

Is there any discussion? Gentleman has moved passage of House Bill 2916. Discussion? If not, the question is, shall House Bill 2916 pass. Those in favor will vote Aye. Opposed, vote Nay. And

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the voting's open. Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. House Bill 2916, having received the required constitutional majority, is declared passed. 2927. Senator Severns. 2949. Senator Luft. Senator Luft says, No. 3032. Senator Brookins. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

House Bill 3032.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This the Buy Illinois bill -- Buy America bill. This is support our own; this is to put jobs in our community and back in the State of Illinois, rather than in foreign countries and other places. This is a self-help bill. We have built into it protection so that we do not overburden or make it impossible to comply with the rules of the bill, and you'll find them in the bill. We have discussed this over and over again, and we see what is happening with our economy in the State of Illinois and elsewhere. This is to help that economy. I urge an Aye vote. Be happy to answer any questions.

PRESIDENT ROCK:

Gentleman has moved passage of House Bill 3032. Discussion?
Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I rise in -- again, in -- once again, in opposition to this bill, with all respect to my good friend, Senator Brookins. I still

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think it's a bad concept. You may recall a few days ago, Senator Brookins had this bill discharged from Rules Committee, where it was locked up, I think, temporarily, for good reason. It should have stayed there. It got out. It's now at loose on the Floor of the Senate. I would suggest to you, Ladies and Gentlemen, that you consider this very carefully. You know, currently, we -- when it comes to Buy America/Buy Illinois products, we insist that they have ten percent Illinois -- content, et cetera, et cetera, et cetera. Products used on State public works projects must have a ten percent U.S. content. But now what we're doing, we're upping this. We're upping it to fifty percent. We're upping it to sixty. We're -- we're creating a problem. I'm going to say that our business people trying to figure this out - when they go to enter into arrangements to buy and sell in the State of -- State of Illinois - they're going to be awash in a sea of complexity here trying to figure out the contents on these things. It's going to raise the cost of products. Where the State of Illinois is looking for the most judicious purchases, they're now going to have to figure, "Well, we can't buy this. We can't buy that, because the content isn't right." They're going to have to hire people to determine exactly what the content is, where they can get - and where they -- unable to get - these products, based upon their individual content, or whether or not that reaches the satisfactory limits - the content made in the U.S. or made in Canada. Now it -- it has a -- it has a very patriotic ring, but I'm going to suggest to you that in doing these kind of things, we are continuing to exacerbate the problems that business has in Illinois, and exacerbate the -- the conditions here that are tending to have businesses leave the State of Illinois or not want to come into the State of Illinois, at the same time when our working men and working women desperately need jobs. I think this is ill-timed. I think it's a poor time, while this recession is

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gradually coming to an end - we hope - but here we go again. And I think that this -- this bill, with all deference to Senator Brookins, ought to be recaptured; ought to be thrown back into a lockup from whence it came. And I would urge you to consider this carefully and vote No.

PRESIDENT ROCK:

Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. Ladies and Gentlemen, as Senator Hudson just said, this thing should be buried once again, because it doesn't really -- do what it's purported to -- to -- or its direction is supposed to be. I call your attention to the fact that this is supposed to be a jobs creation bill, and it's -- and you're right - it is a jobs creation bill. It'll be a jobs creation bill for CMS when they try and determine the American content of every -- of thousands upon thousands of items which the State purchases every -- every day. I'm all for creating jobs, but this is a no-brainer. It -- it does not -- it does not purport to do what it's going to do. It's going to create chaos in the marketplace. Now we discussed this before, and reason and logic have prevailed. And I think reason and logic ought to prevail once again, and this bill ought to go down with a resounding bang.

PRESIDENT ROCK:

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Mr. President, I would just ask the sponsors to tell me his rationale for making it U.S. or Canadian. I know Canada touches our border; so does Mexico. Why wouldn't it be U.S., Canadian or Mexico, or any of those countries that touch our border? I don't understand if the Buy American has Canadian in it.

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Senator Brookins.

SENATOR BROOKINS:

Thank you. Senator Savickas, we have full trading rights with Canada, and therefore, all things are equal.

PRESIDENT ROCK:

Further...

SENATOR BROOKINS:

We have full trading rights with them and their unions are equal to our unions, and our cost is equal to their cost; as opposed to Taiwan and South Africa and Mexico and God knows where else.

PRESIDENT ROCK:

Senator Savickas.

SENATOR SAVICKAS:

It's my understanding, Senator, we have full trading rights with Mexico. What is the problem?

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

My staff is advising me that we do not have full trading rights with Mexico.

PRESIDENT ROCK:

Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and Members of the Senate. I rise in strong support of this legislation, and it's something that we ought to take very serious. Whether it's -- when we talk about Buy America and using products that's produced in America, we're talking about maintaining jobs for people in America and in this State. That's what we're talking about here, and that is really some of the real problems that have caused us to be where we are today - struggling, trying to balance the needs of government

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against the needs of our people, because we have not seriously took a look at what has happened to industry moving out of this State, of this country, and the products that's being made and locating in foreign countries - taking away jobs that were originally providing for a decent, middle-class income for people to realize the American dreams. And these companies have moved to other countries, produced products, sent them back here; we purchased them, and of course, our people are out of jobs. That's why we don't have jobs. That's why we have a serious federal deficit and a State deficit here - not because of welfare cheaters, lazy folk that don't want to work. It's because we have not taken the full responsibility for looking at what is happening in America that's taking away jobs, and it's legislation like this that all of us ought to support. Let me talk about television. Let me give you a good example of commodities. It is absolutely insane that all of the televisions that we use in this country and in this State, that we purchase those -- have to purchase those televisions that's being made and have taken away labor into foreign countries. When Zenith moved out of this country, that means almost every American home has a television in it. And the State of Illinois purchased televisions, but we purchased those televisions, because Zenith has to move, because they had to -- and -- and because they could no longer compete. And they had to move and took away thousands and thousands of jobs, and here we are - people laying off and can't find jobs to work in this State. I think this is the right approach, and we ought to go farther with it. We ought to demand. We ought to demand. We ought to have leadership at the federal level to stop this craziness. And on top of it, they don't even pay any taxes anymore. This is crazy. To not to be for this bill is to just be absolutely insane. I think we ought to pass this bill.

PRESIDENT ROCK:

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Further discussion? Senator Rea.

SENATOR REA:

Thank you, Mr. President. I rise in strong support of this bill, in terms of the Domestic Products bill. I think that if there was a bill that certainly create jobs, this is one of them, and anytime that you're going to create jobs by buying American, you're going to increase jobs here in the State of Illinois. The only objection that I would have, or any improvement that I feel that could be made to this legislation, would be if we also had a provision in there that buy Illinois first, and -- and then buy America. I -- I rise in -- in strong support of this, and would suggest that you vote Aye.

PRESIDENT ROCK:

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President and Members of the Senate. One of the major differences between how the United States does business and how other countries do business is that other countries have measures that regulate product content, and some - I hesitate to use the word "protection", because I'm certainly not a protectionist - but some measure of support for the workers and the products that they produce. I think that this is a reasonable approach to making that effort and to continuing to help this country, and certainly the State of Illinois, and we certainly need it to be competitive. So I would urge an Aye vote on this measure.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. Just a few points that ought to be cleared up. Senator Brookins, things between the United States and Canada are not equal. The Canadian dollar is worth twenty

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percent less than the American dollar. So therefore, they have a twenty percent advantage coming into this product -- coming into this country, even when wages are the same. There is no equality on it. And Senator Collins, I know you strongly feel that; but if it were possible, I think your outfit probably, that you're wearing today - which is very elegant - is not made in this country. I know the pearls that you're wearing are not made in this country, and if I were to ask you to take off your shoes, nine chances out of ten, those things aren't made in this country either. And although you make this impassioned plea, thou does not practice what thou preaches. Now, the fact of the matter is, is that there is one -- I'm not going to ask you to do that. There is one fallacy in this type of thinking, and that is the fallacy of protecting jobs. Well, let me tell you how you protect jobs. You do not protect jobs by increasing prices; because if somebody spends more for what they have to buy, they have less to spend for something else. And the way jobs are created is to have a disposable income sufficient enough to generate demand that buys products that creates jobs. And raising prices does not create jobs, and that's precisely what this bill would do.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Brookins, to close.

SENATOR BROOKINS:

Thank you, Madam President. To clear up a few points: Mexico has no trade -- meaningful environment or labor laws to protect its workers. Children and others work for less than a dollar an hour in Mexico. In Canada, it is my understanding, and I think yours too, that our unions and their unions are one and the same. If there's a strike in Illinois in some companies, you can bet your sweet life, the Canadians will honor that strike or there will be a strike there. So that is more or less what we're talking about as equal. If we travel to the Southeast Side of the

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City of Chicago, or if you travel to the Southwest Side of the City of Chicago - even in Senator Savickas' area - you will see factories that are standing vacant now that once were striving factories where we had workers, the working-class people, people making a living and providing for their families. These factories and these workers have now moved to Taiwan, to South Africa, to Mexico, to every place other than where the product is being sold. For the life of me, I cannot understand how they can expect to manufacture in other countries, and then bring the product back to America, back to Chicago, back to Illinois, and attempt to sell those products. Sooner -- sooner or later we will have no jobs - no jobs whatsoever - here in the State of Illinois, City of Chicago and in our districts. This is just a simple, simple bill. It just makes sense. If you make the product in America, in Illinois, in Chicago, it is most likely that you'll be able to afford to buy that product. That's simple as that, because you will have a job. We will then pay taxes into the State. We will alleviate a lot of the problems which we're wrestling with right now, here in the General Assembly. So what I ask is for a simple vote. Let's vote for America. Let's vote for America. We say Buy America. Let's vote for ourselves once for a change, Senator Butler. Let's vote for Americans. Let's not continue to vote for foreign countries. So I say, vote Buy America. Let's pass the bill. Let's pass a good American bill for a change. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall House Bill 3032 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all -- have all voted who wish? Have all voted who wish? Have all -- have all voted who wish? Take the record. On that question, there are 30 Ayes, 28 -- Nays. Senator -- having received the constitutional majority -- Senator Hudson.

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SENATOR HUDSON:

Let's have a verification.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Hudson is requesting a verification of those voting in the affirmative. Will the Secretary please read the names of those voting in the affirmative.

SECRETARY HAWKER:

The following Members voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, Cullerton, Dart, del Valle, Demuzio, Di Turi, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, Joyce, Kelly, Lechowicz, Leverenz, Luft, Marovitz, Munizzi, O'Daniel, Palmer, Rea, Severns, Smith, Vadalabene, Welch and Mr. President.

PRESIDING OFFICER: (SENATOR COLLINS)

Does the Gentleman question the presence of those voting in the affirmative?

SENATOR HUDSON:

Senator Lechowicz.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Lechowicz. Is Senator Lechowicz on the Floor? Is Senator Lechowicz on the Floor? Strike his name. Do you question the -- Senator Lechowicz is on the Floor. Add his name back to the roll. Senator Hudson? The roll call has been verified. On that question, there are 30 Ayes, 28 Nays, none voting Present. Having received the required constitutional majority, House Bill 3032 is declared passed. Senator Brookins.

SENATOR BROOKINS:

I just want to thank you, and I owe a big kiss to Senator Lechowicz.

PRESIDING OFFICER: (SENATOR COLLINS)

House Bill -- House Bill 3135. Senator Maitland. Oh, I'm sorry. Senator Raica.

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SENATOR RAICA:

Thank you, Madam President. Point of personal privilege, please.

PRESIDING OFFICER: (SENATOR COLLINS)

State your point, please.

SENATOR RAICA:

Madam President and Ladies and Gentlemen of the Senate, today we have joining us a very special guest the Governor's Office has asked me to introduce. Her name is Monika Szychulska. She's from Wloclawek, Poland. She's the second Lech Walesa Fellow in Governor's Office serving in an eight-week internship program. And Monika has passed the exams to attend a university in Poland. However, she became a Fulbright Scholar studying English and psychology at the University of California at Davis. She'll be in -- in Illinois for a very short time, and I would just ask that the Senate welcome her to Springfield.

PRESIDING OFFICER: (SENATOR COLLINS)

Will the Senate recognize -- welcome to the Senate. House Bill 3135. Senator Maitland. House Bill 3149. Senator Savickas. House -- Senator Savickas? House Bill 3160. Senator Rea. Read the bill, please.

SECRETARY HAWKER:

House Bill 3160.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rea.

SENATOR REA:

Thank you, Madam President. House Bill 3160 amends the Illinois Rural Downstate Health Act. This was a bill that we passed that was signed by the Governor - Senate Bill 2277 - during the Session before, and what this does is to provide the

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opportunity for the University of Illinois to participate in the Rural Downstate Health Care Act, in providing those services the same as Southern Illinois University. It -- it also has an amendment, which provides provisions there for the counties and multi-county boards to -- or for the county boards of government to give authorization to the county health departments or, in some cases, multi-county health departments, which is also supported by the Department of Public Health and by the Illinois Public Health Association. I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? If not, the question is, shall House Bill 3160 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Having received the required constitutional majority, House Bill 3160 is declared passed. House Bill 3175. Senator Topinka. Top of page 12. 3188 on Recall. 3221. Senator Leverenz. Read the bill, please.

SECRETARY HAWKER:

House Bill 3221.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz.

SENATOR LEVERENZ:

Thank you, Madam President. This bill would amend the Prevailing Wage Act, and would extend to TIF districts and enterprise zones that they would fall under prevailing wage. Answer any questions that you might have. Ask for your Aye vote to pass the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Senator Hudson.

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SENATOR HUDSON:

Well, thank you, Madam President, Ladies and Gentlemen of the Senate. Now, here we go again. We are expanding in this. I hope you'll all take note. We're simply expanding the prevailing wage, and I think that the -- it's -- it's just something that we should not be doing at this time, and I urge you all to consider this very carefully and vote No.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR FAWELL:

Senator -- Senator Leverenz, you're talking about expanding the -- the minimum wage into the TIF districts?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rea.

SENATOR FAWELL:

I mean, the prevailing wage into the -- into the TIF districts.

PRESIDING OFFICER: (SENATOR COLLINS)

I mean, Senator Leverenz.

SENATOR LEVERENZ:

Absolutely.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Fawell.

SENATOR FAWELL:

Isn't the idea of a TIF district is that it comes from a depressed area where there are no jobs, and that we're trying to promote the economy of the -- of the local areas, so that they can afford to expand their jobs and expand their local economy?

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PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz.

SENATOR LEVERENZ:

Yes.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Fawell.

SENATOR FAWELL:

Then how in the world can you put a bill in like this, which is going to do just -- have just the exact opposite effect? I mean, what we're talking about with these TIF districts, and -- and I've got a couple in my district. In fact, one you hope to frankly, someday represent. It's Elmhurst. And Elmhurst, very frankly, is -- their business district has been really on the decline. They have organized the TIF district so that they can bring their business community back. And if you start talking about paying the prevailing wage, you're going to throw the whole thing up for grabs. We're not going to be even able to open some of those stores that are closed, and we're not going to be able to remodel them. We're not going to be able to bring that -- that area back. I -- you know, I just think this is the wrong way to go. You are talking about causing a basic concept - a TIF district - to be destroyed. You're just -- you're just going the wrong way with this thing.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Luft.

SENATOR LUFT:

Thank you, Madam President. I have a question of the Chair - parliamentary inquiry.

PRESIDING OFFICER: (SENATOR COLLINS)

Question of the Chair?

SENATOR LUFT:

I'm asking for a parliamentary inquiry. That means I want a

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ruling on this bill.

PRESIDING OFFICER: (SENATOR COLLINS)

What -- what kind of ruling you want?

SENATOR LUFT:

My -- my question is that -- my question is that this is a TIF bill, which means that we're dealing with local units of government. And since we're dealing with local units of government - namely municipalities - and their money, I'm wondering if it takes three-fifths vote, since this is preemptive.

PRESIDING OFFICER: (SENATOR COLLINS)

We will -- we will look for the answer, and we will continue debating and give you an answer before we call the roll. Senator Rea. Further discussion? Senator Rea.

SENATOR REA:

Thank you, Madam President. This bill, actually when you get down to it, only follows the current law regarding the publicly financed projects, such as, for instance, the Build Illinois, the Illinois Development Finance Authority and other government-funded work projects. So since we do have the TIF districts there, and these are publicly financed, why shouldn't we have the prevailing wage? Why shouldn't we provide at least a wage that is going to at least get people by? But -- this is not asking for too much. I would ask for you to vote Aye.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Madam President. A question of the sponsor. Senator, I assume that -- that the bill would go beyond imposing the prevailing wage upon governments, and extend to private construction in TIF districts. Am I correct about that?

PRESIDING OFFICER: (SENATOR COLLINS)

I'm sorry. Senator Leverenz.

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SENATOR LEVERENZ:

Well, we thank the fine Senator from the other side for the question. This, in my view, covers public works projects - maybe infrastructure that is being done in a TIF, as an example.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Then are you saying it is not your intent to extend this to cover any private projects?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz.

SENATOR LEVERENZ:

We really appreciate you again wanting additional clarification, and this time I -- as I should have said in the beginning, you are correct that private is not included, to my understanding. These are public works projects within the TIF zones.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, are those government projects currently excluded? It was my understanding that our -- that our prevailing wage law applied to all government construction throughout the State of Illinois - school districts, cities, certainly road building. So what -- what are you hoping to accomplish by this bill?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz.

SENATOR LEVERENZ:

I believe we are removing that gray area, and we are defining exactly what is or what is not. And again, the bill will only affect those projects which utilize public funds for the financing of them. And again, a TIF is a State-created designation, and

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those are public works projects, covering those projects that are being done by public funds.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schuneman. Further discussion? If not, Senator Leverenz, to close.

SENATOR LEVERENZ:

Thank you very much, Madam President. To the distinguished Lady from DuPage that raised the question about a TIF in Elmhurst, I feel fully qualified and appreciate her endorsement for representing that area, because we do have a few blighted areas in the district that I now represent, and we do have districts -- TIF districts where I now represent. And we would be delighted to provide leadership in those areas of a new district called thirty-nine. I would encourage your Aye vote. We are simply clarifying, in my view, what is already the law, but in any case, this covers public funds on public projects. And I would feel safe with all of the Republican Party, as well as us, voting for it.

PRESIDING OFFICER: (SENATOR COLLINS)

After consulting with the Parliamentarian, it is the opinion of the Chair, Senator Luft, that this bill will take 30 votes, because it does not preempt home rule. So on that -- the question is, shall House Bill 3221 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 26 Nays, none voting Present. Having received the required constitutional majority, House Bill 3221 is declared passed. House Bill 3227. Senator Rea. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 3227.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rea.

SENATOR REA:

Thank you, Madam President, Ladies and Gentlemen of the Senate. We're all very well-acquainted with House Bill 3227, the strikebreakers' bill. The legislation would prohibit public and educational employers from permanently hiring strikebreakers. When a worker considers going out on strike, he has many factors to weigh - the largest being the loss of his or her job. However, the employer does not face the same type of situation. Although the employer will lose a valued, experienced worker if he or she hires a strikebreaker permanently, the employer will not risk a major portion of the family income, insurance benefits and job security. House Bill 3227 is designed to protect the fundamental right of the working person so that they have that fundamental right to strike, and over the past years that right has been eroded by employers who fire strikers and replace them with strikebreakers. And workers go on to the bargaining table in good faith, and yes, they strike as a last resort. The bottom line is that the right to strike - that fundamental right of the bargaining process - should not cost the worker - should not cost any worker - their job. But it has, and it does. House Bill 3227 protects that right by providing workers with a level playing field by making them an equal at the bargaining table, and by protecting their livelihood, unlike what has occurred in some cases. This bill would apply to private sector employers, as well as public sector employers. It would prohibit the State units of local government and school districts from having various financial dealings, such as contracts, loans, grants, issuance of bonds, the purchase of securities, and making deposits with employers who permanently hire strikebreakers or who give preference treatment to employees who don't strike. So House Bill

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3227 will bring equity back to the bargaining table. The rights gained by workers throughout the years are thrown away every time an employer permanently replaces a striking employee with a strikebreaker. This bill will safeguard those rights. I think it's a fair bill. It's a bill that we should support, and I would ask for your support.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Madam President. Ladies and Gentlemen of the Senate, once again we're debating this oft-debated bill. I'm going to say that it's a wonderful bill. It really is. It's wonderful for the State of Indiana, because I think if we continue to pass legislation of this kind, that's where we're going to find the business in the State of Illinois moving to. So if we want to continue to do that, I suppose that's -- that kind of thing - pass those kind of bills here - that's our privilege. Now, much has been said in the past and today. It's been mentioned that this is an attempt to create a level playing field. I said last year, or some time back, in -- in discussing this; if we continue to level the playing field in this way, we are eventually going to have a playing field that looks like a ski slope, and down which business in the State of Illinois is going to slide, and slide into oblivion, if -- if we continue long enough. It's a bad -- it's a bad -- it -- it really is a bad concept. What this bill does, as you know, and the sponsor, with all due respect, has explained this to you, but it simply prohibits any State and local units of government or school districts from giving loans, or -- or making grants, or entering into contracts or doing business with any employer in the State of Illinois who's had the temerity, when faced with a strike, to hire a permanent replacement worker. Now this -- this -- this seemingly will also -- also it -- it imposes

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sanctions. It says, in effect, that any employer who does, under those conditions, hire a permanent replacement worker, is ineligible for any tax exemptions, deductions or credit by the State or unit of local government - including school districts, by the way - from entering into these contracts or doing business with these units of government. And I think that is a severe penalty to place on -- on the business people of the State of Illinois, including other sanctions that the bill contains. The proposal will -- would utterly abandon Illinois government's neutrality and labor disputes, for one thing. Why should we do that? Why should we pass laws that interject the State of Illinois into what rightfully ought to be between labor and the management of a business? Why should the State of Illinois -- intervene and destroy that neutrality that we've always had, and at the same time make it impossible for a business to continue operation? The business people under strikes, under this bill, would be faced with the provision of either acceding to the provisions of the bill, or going out of business entirely. Now that is not hardly what we can call a level playing field. I submit it's unfair. It's punitive to -- to business in the State of Illinois, when we need -- when business in this State needs some understanding from the State. It doesn't need punishment; it needs understanding. And furthermore, I might suggest to you that most -- most businessmen are -- want to be considerate. They want to do what they can do -- best do for their employees. But here comes a bill that says, "Look, if you're struck, there's nothing you can do. You're either going to buckle under, or go out of business." That's about as simple as that. And I think it's a -- I think it's an onerous -- an onerous bill with bad implications for business, and for the very people - men and women in this State - that we persist in saying we want to help. We say they should have jobs; they need employment. But then we do these kind

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of things that discourage businesses from staying in the State of Illinois or moving into the State of Illinois. I would urge your -- your very serious consideration of this before you put your vote down here and pass this, and then enact this -- help enact this into law.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. -- Madam President, Ladies and Gentlemen of the Senate, we've now had a railroad strike in effect, which is -- crippling industry and people and jobs. Hopefully, Congress will use its wisdom finally and get it settled as fast as it can. Under this bill, two or more nonunion workers are free to walk off the job, giving little or no reason, except to say that they are protesting terms of conditions of employment. Individual department or key personnel are able to shut down an entire operation through their actions, and management frequently learns the reasons for a walkout hours or days later. Existing federal law places certain restrictions on an employer's right to permanently replace striking employees. Strikers may not be permanently replaced when their employer locks them out or when their employer commits unfair labor practices prompting or extending their strike action. Only when the employees freely elect to strike and shut down their employer's business may they be personally -- permanently replaced. Can we have a little order?

PRESIDING OFFICER: (SENATOR COLLINS)

The Lady is requesting some order. Would the staff please take your conferences off of the Floor so that we can hear Senator Geo-Karis?

SENATOR GEO-KARIS:

Under the present law, there are numerous safeguards to protect striking employees from unfair or coercive conduct by

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employers and to ensure the strikers that have -- that they will have an enforceable claim to their old jobs when they become available. Let me take another instance. This bill would prohibit local governments, school boards and public employee pension systems from acting with common sense. It would force to hire extra staff to keep records of employers who exercise their right to replace strikers. In short, they will create a bureaucratic nightmare. This is an unfair burden on those entities and the taxpayers that support them. We're trying to keep jobs in Illinois and bring jobs to Illinois. If we are going to have such a monster of a bill pass, what are we going to do to existing business? What are we going to do to business who might want to come to Illinois? Let me read you a paragraph, if I may, from an employer who has been in business forty-six years with labor contracts and they have no problem. It says, "It would be an intolerable position to be held hostage to what can become the arbitrary demands of a union that would have absolute power to shut down a company permanently if it so chooses." Do we really want that to happen? Do we really want jobs to stop? Do we really want to stop companies from coming into Illinois? If you pass this bill, that's what you're doing. It's not fair. We don't have the economic means as it is in this State. What are we going to do to our school boards? What are we going to do to our local governments that are opposed to this type -- opposing this type of bill? We're not fair, and I wish you would think about it. I speak against this bill, because it's not a fair bill to keep business and bring business to Illinois and keep jobs here.

PRESIDING OFFICER: (SENATOR COLLINS)

Will you please reduce the noise level. Take your conferences off the Floor. Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you. A great deal has been said about rights. And it

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seems to me that one of the things this bill does is say to the employer that you must give up your right to stay in business. You either give in or get out. Give in or get out. There's a lot of talk about a level field. I'll tell you where the level fields are going to come - the level fields are going to come from all the factories that are going to be torn down because of nonsense like this. People cannot stay in business with these kinds of restrictions. Face it. We -- we shed copious tears about jobs, then we do everything possible to chase companies out of Illinois. Think. Please think. Why do companies leave this State? Because they no longer can do business here. They no longer can compete. That's the number one reason. They no longer can compete. And I ask you this question: Who in their right mind would go into business in this State when there is this mentality at work? I ask you: Would you go into business in this State if you were a -- a reasoning, logical businessmen -- man? I doubt if you would.

PRESIDING OFFICER: (SENATOR COLLINS)

AP News requests leave to take photos. Is leave granted? Leave is granted. Senator Leverenz, to close. I'm sorry. Senator Rea, to close. Senator Brookins? Senator Brookins.

SENATOR BROOKINS:

Thank you. I need to speak to this bill because I've had mixed emotions and -- I remember in Chicago, we had a firemen's strike and they brought in workers and eventually promised them and hired them because the City needed extra firemen anyway. They could not bring them on fast enough and, due to the firemen's strike, kids and babies in my community burnt up, and they burnt. And I -- I can't support this bill, because I know that in those emergency situations, they have to have the opportunity to bring in people to do the work. And therefore, I'm going to be a -- a No vote on this bill. Thank you.

PRESIDING OFFICER: (SENATOR COLLINS)

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Further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President, Members of the Senate. As a native of Decatur, we saw firsthand in my community this year the unfortunate reality of what a strike -- what would happen without having strikebreaker legislation in place. To the thousands of workers who, in good faith, went on strike for weeks and months, not knowing what the fate of their families would be, it is impossible to believe that they could do that in good faith and then be replaced because this legislation is not in place. It would seem to me that this legislation makes sense. It would seem to me that it's in the interests of working families across this State, and it would seem to me that it's a decent bill and a fair request by the working men and women of Illinois. I know it is of Decatur.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rea, to close.

SENATOR REA:

Thank you, Madam President. Let me just remind everybody that we're talking about permanent employees. We're not talking about temporary. And actually, the right to strike helps promote equality between the employer and the employee at the bargaining table. And we must promote equality between employers and employees, and that's exactly what this bill does. I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall House Bill 3227 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 Ayes, 29 Nays, none voting Present. Having failed to receive the required constitutional majority, House Bill 3227 is declared lost.

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Senator Rea? The sponsor is requesting postponed consideration.
House Bill 3246. Senator Leverenz. Senator Leverenz.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR COLLINS)

House Bill 3246. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 3246.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz.

SENATOR LEVERENZ:

Thank you, Madam President. The amendment that I understand to be agreed is on this bill now. It would provide that there would be an eighteen-month period for audits of the franchisee by the franchisor. It would further allow dealers to relocate their franchises within two miles of an existing location, and also allows the dealers to relocate, provided the location is no closer to an existing franchise. Since this is now in, I believe, it's proper form, I ask for your Aye vote to pass the bill. Answer any questions that you might have.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? If not, the question is, shall House Bill 3246 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none

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voting Present. Having received the required constitutional majority, House Bill 3246 is declared passed. Senator Hudson. Senator Hudson.

SENATOR HUDSON:

A point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR COLLINS)

State your point, please.

SENATOR HUDSON:

Purpose of an introduction of some guests. In the gallery, we have teacher Tom Fletcher again down here with a group of students from Oswego High School. He's down here to watch us in -- in operation today and see how we do things.

PRESIDING OFFICER: (SENATOR COLLINS)

Will our guests in the gallery please rise and be recognized by the Senate. Welcome to the Senate. House Bill 3246. Senator Leverenz. House Bill 3266. Senator Marovitz. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 3266.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Madam President and Members of the Senate. House Bill 3266 deals with abuse and neglect of children. The current statutory definition of neglect is so vague and so broad that, potentially, every child in Illinois could be considered a neglected child. For example, a child whose baby-sitter mistreats her could be removed from her mother, even though the mother had no reason to know of the abuse. This situation results in overloaded courts and overloaded DCFS

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workers. Neither the courts nor the case workers then have the time or the resources to focus on the cases where children's lives are truly at risk and where there truly are abuse and neglect. House Bill 3266 addresses this problem by clarifying that neglected children are those whose parents fail to take reasonable precautions to protect them from reasonably foreseeable risks to their life, health and well-being. This bill also streamlines the process for adopting children in serious abuse and neglect cases by eliminating the need for repetitive hearings. It makes the definition of abuse and neglect the same in the juvenile court and in the Adoption Act, and gives earlier rulings effect in subsequent cases. House Bill 3266 makes two additional improvements in the juvenile court system. It mandates that the State take the specific steps to locate and notify parents in juvenile court proceedings, and it also requires that petitions filed in juvenile court inform parents and their children of the factual allegations for bringing them into court. No one has objected to any of these provisions. This bill will not result in any expense to the State, and is agreed to by DCFS and supported by Voices for Illinois Children, and I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Welch.

SENATOR WELCH:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator Marovitz, when you talked about streamlining the ability to have a child declared neglected or abused, what did you change from the existing Statute to streamline it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

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SENATOR MAROVITZ:

The definitions have been changed in order to streamline it - definitions that were suggested by those who work in juvenile court and who work in adoption and -- in abuse and neglect cases, rather.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion?

SENATOR WELCH:

Yeah...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

You've changed the definition of "abandoned child" as well. Is that -- is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

"Abandoned child" is defined as one whose parent has demonstrated an intent to permanently forgo all parental rights or responsibilities, or a minor under the age of two whose parents have demonstrated a lack of interest in developing or maintaining a parental relationship with the minor as evidenced by failing to live with the child for six or more months.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Under the current Statute, let's say a woman becomes pregnant. The -- the father of the child shows absolutely no interest in the woman, in fact declares that he has -- he wants nothing to do with the child. Nine months later, the child is born. Then we have to wait another six months to determine that the child is abandoned. Is that -- is that what this Statute says? It seems to me the

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existing law would allow for an immediate determination that the child was abandoned. But it seems like with this bill, you're giving him six more months beyond the term of pregnancy. Is that -- is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

No, I don't think we're giving him six more months. You need both parents for abandonment to be determined.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

I have nothing further.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank -- thank you, Mr. President. Question of the sponsor, if he will yield.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, although there's been a lot of progress made on this bill, it's my understanding that there's still a couple areas of concern, and it's your intention that this go into a conference committee. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

That is correct, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Marovitz may close.

SENATOR MAROVITZ:

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This is a bill that's been worked on by an awful lot of people involved in juvenile court, and in dealing with abuse and neglect and DCFS. I think it'll help streamline the situation and, most important of all, the beneficiaries of this bill will be those kids who are and have been abused and neglected. And I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 3266 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there Ayes are 57, the Nays are none, none voting Present. House Bill 3266, having received the required constitutional majority, is declared passed. 3325. Senator Brookins. 3374. Senator Cullerton. 3395. Senator Hall. Senator Cullerton, for what purpose do you rise? Is there leave to go back to 3374? Leave is granted. House Bills 3rd Reading is House Bill 3374, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3374.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President. I believe a couple of years ago we passed a bill that said that property that's the subject of a -- a preannexation agreement is subject to the ordinances, control and jurisdiction of the municipality in all respects, as -- the same as the property that's owned by the municipality. This has posed a problem up in the suburban area, and so what we've done with this bill is to not change the law with respect to most of the State, but for certain counties, and those counties are Cook,

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Lake, McHenry, DuPage, Will, Kane, St. Clair and Madison. We say that that provision shall only apply if the parties to this annexation agreement have, at the time of the agreement is signed, ownership or control of all property that would make the property that is subject -- the subject of the agreement, contiguous to the annexing municipalities. This is an agreement which we worked out with the Urban Counties Council, the Metro Counties Council and several of the municipal conferences, all of which are supportive; the Municipal League is now neutral. I'd be happy to answer any questions, and urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Discussion? If not, the question is, shall House Bill 3374 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 3374, having received the required constitutional majority, is declared passed. 3395. Senator Hall. 3439. Senator Weaver. 3454. Senator Brookins. 3456. Senator Rock. Bottom of page 12, House Bills 3rd Reading, is House Bill 3456, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3456.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3456, as amended, is an amendment to the Revenue Act, and what it does concisely and briefly is increase the general homestead and the senior citizen homestead exemption, in counties

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with a population of greater than two million, from thirty-five hundred to forty-five hundred and from two thousand to twenty-five hundred respectively. I reemphasize - it applies only to the County of Cook. And it is an increase in the homestead and senior citizen exemption, for the reason that the County -- the City, for the first time, has been reassessed as a totality. And so what's happened in the the County of Cook is there is an increase in the equalized assessed valuation of some six billion four hundred and fifty-four million dollars over the 1990 EAV. That is a dramatic - dramatic - increase. And each and every one of the taxing bodies, including the Chicago Board of Education, can reasonably expect this year to be the beneficiary of a dramatic windfall. They will receive an enormous increase in the amount of tax revenue from this increase in the equalized assessed valuation, coupled with the fact that Cook County has just received a dramatic increase in the multiplier. The bill does two other things. Aside from the very important aspect that it will afford the taxpayers of the County of Cook - and more particularly, the City of Chicago - approximately eighty million dollars in tax relief, the bill also says that, one, this is not a State mandate; there is no responsibility or liability, nor is the State at risk in any respect. And secondly, it further says that, by virtue of -- of this increase in the exemption, there is no increased accessibility to the School Aid Formula. The exemption for both homeowners and senior citizens remains static Statewide. And if any other county wishes to do this, and wishes to have the same provisions, I will certainly be supportive. What we are attempting to do is recognize - at the request of former Senate President - now County Assessor - Tom Hynes - recognize that the equalized assessed valuation in the County of Cook is going to increase this year six billion four hundred and fifty-four million one hundred and thirty-eight dollars. A dramatic increase. And

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so what we are saying to the taxing bodies is, "You are going to receive a terrific windfall, but why don't we give the taxpayers a little bit of it back? Not all of it - a little bit of it." We're not taking away anything from anybody that they currently enjoy. What we are saying is, "Everybody's going to benefit." Why don't we also let the poor beleaguered taxpayers and homeowners of Cook County also benefit? I urge an Aye vote, and ask all my friends from Downstate to recognize that this is a dramatic increase in the equalized assessed valuation in the County of Cook, and more particularly in the City of Chicago, and our taxpayers deserve some relief. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Palmer.

SENATOR PALMER:

A question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield, Senator Palmer.

SENATOR PALMER:

Senator Rock, could I just ask you a question? I think you said it already, but there is no impact on the Chicago public schools over any period of time beyond the windfall - it doesn't affect the tax base?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

You are correct. And I might point out, for those who expressed that concern - as I did - you will recall for the last three or four years I have stood in opposition to this form of tax relief. When you're talking about tax relief, some wish to talk about caps; I don't happen to agree with that. Some wish to talk about rates; I think that's a good effort at tax relief. And exemptions, I suggest, are the last resort. But given the

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dramatic increase in the equalized assessed valuation, without this increase in the homeowner and senior citizen exemption, the Chicago Board of Education is fully expected to receive an additional - a windfall - of a hundred and ninety-six million dollars. By virtue of putting these exemptions in place and affording the Cook County taxpayers some much-needed tax relief, the Chicago Board is only going to receive a hundred and eighty-one million dollars of new money. Seems to me it's only fair to the taxpayers to give them part of this back.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. A few questions of the sponsor of the legislation, Senator Rock. Am I correct to -- to assume that this is an immediate effective date?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

You are correct. It will take effect this year for the 1991 taxes. Yes, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCYZ:

So -- so this will affect the tax bills which will be due this fall. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

The August '92 tax bills will reflect this. Yes, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCYZ:

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Can you tell us, Senator Rock, how much money will each Cook County homeowner or senior citizen save in taxes with the passage of this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

For the -- I'm told that Assessor Hynes has calculated that it's roughly a hundred dollars for the homeowner and for seniors about a hundred and fifty - for a total, countywide, of somewhere between eighty-five and a hundred million. This is an exemption for which you have to apply. Unfortunately, some don't make the necessary application.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCYZ:

Well, I support this bill, Senator Rock. But, you know, tax exemptions are no substitute for tax caps. I guess some relief, no matter how small, is better than no relief. But let's not confuse what we are doing with Senate <sic> Bill 3456. What we are doing is actually providing a tax shift. What we are -- we are providing the tax shift from the homeowners to the businesses, who eventually pass their costs down to the consumers. If we want to provide true property tax relief for our constituents, Senator, we will pass property tax caps for Cook County property owners before we go home this Session. This is a small step, but this is not the answer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Rock may close.

SENATOR ROCK:

Thank you. And again, I would, on behalf of the taxpayers of the County of Cook, ask all my friends from the other counties to also support this. I urge an Aye vote. It does not cost the

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State one nickel.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 3456 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 41, the Nays are 15, none voting Present. House Bill 3456, having received the required constitutional majority, is declared passed. 3464. Senator Jones. Top of page 13. 3587. Senator Cullerton. Top of page 13, House Bills 3rd Reading, is House Bill 3587, Madam Secretary.

SECRETARY HAWKER:

House Bill 3587.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill amends the Prompt Payment Act. It provides that invoices supplied for dental or pharmaceutical goods or services, optometrists or physical therapist services, or anyone who is defined as a physician, as that term is defined in the Medical Practice Act, which includes chiropractors, shall be covered by the provisions of this bill. And what the provisions say is that we are going to change -- well, that the State would have thirty days to pay a bill or invoice. This is on top of the thirty days they now have to process the claim. So it'll allow the State to have sixty days to pay their bills before being subject to an interest penalty. Right now, we have an interest penalty of two percent, but the vendor has to apply for it. What this bill would say is that the penalty will be reduced to one and a half percent of any amount

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approved and unpaid. It would set a limit of fifty dollars and above for the amount of the bill or invoice that would be subject to this automatic interest. But it requires that bills or invoices of fifty dollars or less will have to be submitted in writing. And it would allow for individuals who have prepaid their bills, as many of us have had -- have found out when we go to our dentists or our doctors - they want the money up front. They don't want to wait for the State to pay. They also would be covered under this bill. So what it -- the change is, it says that the vendors don't have to apply for the interest; they would get it automatically. And the interest penalty is reduced from two percent to one and a half percent. Be happy to answer any questions, and urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, two points. First, this could be a conflict of interest for me, and I want to declare that conflict and tell you that I'm going to vote for this bill. I want to speak in favor of the bill. As most of you who have had State employees speak to you about the vendor saying you got to pay up front. I don't know how many of you have had, as I've had happen locally, when a State employee's gone in for health care services, there'll be a sign that says, "State employees must pay before or on delivery of the treatment." That puts a terrible crunch on the cash flow for State employees. Anybody else under an insurance program, they'll take the insurance and they'll settle after whatever balance is due, due to the unconscionable delay. If the State pays the bill in sixty days, as former Representative James Londrigan and I passed back in the seventies, it applies to other suppliers to the State for services or supplies. It makes only sense that we offer the same opportunity.

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I urge all of you to vote Aye.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, Members of the Senate, I don't think anybody can argue against the concept of this bill and the -- and the philosophy behind it. I think we obviously would all like to see all of the State's bills paid on time. We are currently in the final hours of some rather delicate negotiations on the budget - difficult negotiations. Central Management tells me that the -- they estimate, from their perspective, an additional 2.5 million dollars in State expense. I believe the Department of Public Aid is estimating an additional fifty-five million dollars in expense. Now -- I mean, for the concept. I'm not sure if it's in this bill, Senator, but I know there's another bill floating around. I think it should be pointed out that there is on our Calendar, on Concurrence, a budget bill that underfunds the group medical line items, by everybody's admission, by fifty-five million dollars, which would make it impossible for Central Management to pay the bills on time, and the Comptroller. I mean, the money is not appropriated. And if we on one hand say we are not going to appropriate the money - and now, I hope we are going to appropriate a reasonable level, but it's not there now - and at the same time turn around and say we're going -- we're going to have this prompt payment proposal, well the word "hypocrisy" comes to mind. I think this is a great concept. It's something I'd like to be for. In this budget year, with the cash flow problems this State has, who are we kidding? The Governor will have to veto it, and we will eventually sustain that veto. Let's end the charade now, and not make ourselves look like even bigger hypocrites than we sometimes do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. When I lived for a few short years in Texas in the early sixties, Southwestern Bell required any person that came into the state to put up a deposit till their creditworthiness was established. At the end of six months, a group of us received a refund, and we sent the money back to Southwestern Bell because the interest earned on that deposit was far greater than the interest we could earn in a savings account. In fact, we became a test case in Texas because we deemed ourselves uncreditworthy. This bill smacks of that. What we have, as Senator Schaffer pointed out, a fifty-five-million-dollar reduction in a line item so that the vendors that are involved there could collect fifteen percent per year, which is far more than what the cost of money would be if they had to borrow that money, and far more -- greater return than if they had the money already. Now you know, I would submit, we all want to pay our bills promptly. The best way to do it is not to do what you did with that appropriation on the House side. You cannot have this kind of situation in which you reduce a line item that's going to put you into a position where you're going to have to pay off a lot more money than what those people would normally get if they either borrowed the money or if they put it in a normal savings account.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Hall.

SENATOR HALL:

Senator, I have no problem of providers -- like late payments

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for the insurance and things like that. But is this going to include everybody that does business with the State?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR HALL:

I'm...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall, I'm sorry. You -- you weren't...

SENATOR CULLERTON:

Well, I believe, Senator, that we passed a bill last year that exempted Medicaid providers, for a period of time, from being subject to the Prompt Payment Act. So it does not repeal -- well, it doesn't affect that Section. And secondly, I believe that if the State contracts with a vendor to not provide any penalty for late payment, they can still do that, and there are indeed some contracts - I think with the dental provider, maybe - that -- where they -- where they're not allowed to collect any interest for late payments. So the State can still negotiate that with the vendors.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Well, the reason I asked that -- I don't know if you or the others sitting here on this Floor ever looked at your payments for your home office or other offices when your telephone bill comes in, and when all these things come in. Now that -- oftentimes that you'll see that there is a late payment, and that could mount up to quite a bit, if -- if they're late sending out the -- mailing out their bills. There's things like that. I've often thought about that. And when you think of the millions and millions of dollars that go through these utilities - phones and things like that - I don't know whether it's really our fault or

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the provider's fault. You know what I mean?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Well, first of all, let me clarify that -- that this bill, which deals with automatic payment of interest, deals specifically with dental or pharmaceutical goods, optometrists or physical therapists, or goods or services furnished by a physician, as defined by the Medical Practice Act. Okay? Anybody else, that -- that's -- that law is not changed with regard to them. We -- we still -- we do have a prompt payment bill for them, but they have to submit the claim. This changes just for those providers that I enumerated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Being a pharmacist and a retail business owner, obviously I have a conflict of interest in this, as I did the other day when I voted for Senator Severns' bill. But however, I think I'd be remiss if I didn't talk about the problems of the industry and our business and the retailers out there, and I'm not talking about just necessarily pharmacists; I'm talking about hospitals, and podiatrists, and nursing homes, and doctors, optometrists, physical therapists. I mean, the Medicaid providers out there who do a service for those people that are less fortunate deserve consideration when it comes to payment. We have to pay our bills on a timely basis, and I see no reason why the State shouldn't have that same obligation and requirement. As I mentioned, I do have a conflict of interest, but I will be voting my conscience. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Brookins.

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SENATOR BROOKINS:

Thank you, Mr. President. I rise in support of this bill. I do not have a conflict of interest with this bill, though I am a small merchant, because we're covered under another bill. But I can also attest to the fact that when you put out your merchandise and when you provide a service, for you to have to wait a -- a longer length of time for you to be paid, it works a very, very hardship, especially on the smaller businesses. And therefore, I think it's a good bill, and I would urge our colleagues to vote Aye.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Cullerton may close.

SENATOR CULLERTON:

Thank you, Mr. President and Members of the Senate. In closing, I -- I -- one of the Senators - previous speakers - talked about the word "hypocrisy", his point being that for us to pass a bill like this but then to not appropriate the money to pay for it is hypocritical. I would argue that for us to, in effect, borrow money from the people who provide services and goods to the State without paying them any interest is hypocritical as well. We are financing a portion of our State Government by borrowing money from people who do business with us, and it hasn't been brought to light. The public -- the general public is not aware of it. And so, perhaps by passing such a bill, we -- we bring that to light. It's -- it's very similar to if we -- when we pass our budget, I think if you want to be amused, you can look at the -- what we spend on lapse spending. The lapse spending has gone up so high, it's not lapse spending anymore. It's deficit spending. So I think we can't just continue to do it this way. There's no reason why we should obligate these people who provide these services to have to fill out a form and send it in, in order to get interest. They should be automatically paid the interest.

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And I would say in closing that the fiscal note for this bill can be zero if the State pays its bills within sixty days of receiving the bill. Urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 3587 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 48, the Nays are 6, none voting Present. House Bill 3587, having received the required constitutional majority, is declared passed. 3607. Senator Schaffer. 3610. It was on the Recall List this morning, but it was not called back. Senator Savickas. 3630. Senator Cullerton. Madam Secretary, 3630 House Bill, please.

SECRETARY HAWKER:

House Bill 3630.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill also contains basically two provisions. One is a very technical change to the Franchise Disclosure Act, which has come to us from the Attorney General's Office. It amends Section 3 of the Act to define the subfranchisor as a franchisee who pays a franchise fee for the right to service or sell franchises. It amends Section 10 of the Act so that a franchisor can continue to use either the previously filed disclosure statement or the updated disclosure document. It's not very controversial. The second part of the bill reflects an agreement between the Retail Merchants' Association and the Community Bankers' Association, and it allows consumer deposit accounts, in certain circumstances, to begin with

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a check number other than 101. We have -- the current law, which was... The current law, which was initiated by the Illinois Retail Merchants' Association, requires new accounts to begin with the number 101 to help prevent fraud against retailers. The problem has been that newly chartered banks have had difficulty attracting customers who are reluctant to start over with check 101. So this amendment contains provisions that requires that the former account be closed voluntarily, requires that the new account be opened within thirty days following the closing of the old account, requires both the former and the current financial institutions to be domiciled in the State of Illinois, and requires that the owner or owners in the closed account be identical to the owner or owners on the new account. So I would be happy to answer any questions. I think it's a good idea, and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall House Bill 3630 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 3630, having received the required constitutional majority, is declared passed. 3633. On the Order of House Bills 3rd Reading, Madam Secretary.

SECRETARY HAWKER:

House Bill 3633.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. There were three amendments to this

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bill, none of which were controversial. Amendment No. 1 was by Senator DeAngelis, and that defined an attempt to commit suicide as an act done with intent to commit the suicide, and which constitutes a substantial step toward the commission of a suicide. The second amendment was my amendment which dealt with the recommendation of the Ritual Abuse of Children Task Force that was as a result of our Joint Resolution No. 20. You'll recall that the ritual abuse is a situation where an individual creates a scenario so unbelievable that when a child is abused under that scenario and tells that story to law enforcement, the child is automatically discredited because of the story. The third amendment was Senator Cullerton's amendment, and that made an attempt to commit -- or an attempt to induce suicide conform with all other attempts, and made it a lesser penalty. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 3633 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? ...(machine cutoff)...the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 3633, having received the required constitutional majority, is declared passed. 3638. Senator Cullerton. On the Order of House Bills 3rd Reading is House Bill 3638, Madam Secretary. I beg your pardon. It's my -- is it on Recall? All right. There's been -- take it out of the record. 3650. Senator Severns. House Bills 3rd Reading is House Bill 3650, Madam Secretary.

SECRETARY HAWKER:

House Bill 3650.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and Members of the Senate. The Federal Government passed a law which dictates that by October 1st of 1992 each state have in place a Cash Management Act Plan. If a state fails to meet that deadline to enter a plan, we will be subjected to the rules and regulations that the Federal Government arrives at. The Intergovernmental Cooperation Commission is attempting, through negotiations with nearly every party, to arrive at this Cash Management Act Plan. This bill, hopefully, will provide for that, but it needs to go to conference to finish the negotiations. I'll be happy to answer any questions; otherwise, would hope for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall House Bill 3650 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 3650, having received the required constitutional majority, is declared passed. 3674. On the Order of House Bills 3rd Reading. Senator Luft, 3674? Madam Secretary, 3674, please.

SECRETARY HAWKER:

House Bill 3674.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. House Bill 3674 addresses a subject which has to deal with the merging of banks and savings and loans.

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Presently, a bank or bank holding company under federal law can buy either a failed, or an almost failed or failing savings and loan, convert the savings and loan into a bank and the home office of the savings and loan and all of its facilities become banks and can circumvent the home office protection rule set forth by the State of Illinois. What this bill does is allow a bank or bank holding company to purchase a healthy S&L and receive the same benefits. It must have the approval of the Commissioner of Banks. It is also -- has the support of both of the banking community organizations in the State of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall House Bill 3674 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 3674, having received the required constitutional majority, is declared passed. Page 14. Turn the page. We have House Bill 3769. Senator -- oh, I'm sorry. I skipped a bill on page 13. Senator DeAngelis. House Bill 3692, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 3692.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. House Bill 3692, as amended, is the DCCA omnibus bill. It makes many changes, some of which are to: one, include an Enterprise Zone Act for McDonnell-Douglas in St. Clair County; it also offers assistance to small companies in

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order to comply with the 1990 Clean Air Act amendments; offers self-employment training for small people -- small business people; allows the small business utility advocate to accept contributions. It also clearly defines that community development assistance monies are available to townships, and has several other elements. Be happy to answer any questions. If not, I urge that we pass House Bill 3692, as amended.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Must have been a great speech. No one wishes to discuss it. The question is, shall House Bill 3692 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 3692, having received the required constitutional majority, is declared passed.

PRESIDENT ROCK:

Page 14, Ladies and Gentlemen. On the Order of House Bills 3rd Reading is House Bill -- Senator Dudycz, for what purpose do you arise, sir?

SENATOR DUDYCYZ:

Mr. President, I stand on a point of personal privilege.

PRESIDENT ROCK:

State your point, please.

SENATOR DUDYCYZ:

Yesterday, Mr. President, I received a newspaper article from one of my local papers - the Lerner Times - and it contained information I found to be very disturbing personally, and I believe should be brought to the attention of the entire Senate. The article revealed a young woman who had identified herself as a student at a local university - Oakton Community College. This young woman approached the newspaper stating that she was doing

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research for her political science class and that she had chosen the 7th Senate District as her assignment. After reviewing the newspaper clip file, she chose to go to lunch with the newspaper's political reporter. During lunch with the reporter, she revealed to him that she had, in fact, lied about her name, she had lied about her assignment, and that she was not a student at the college. This woman, Mr. President, admitted to the reporter that she worked for Senate President Philip Rock, and that her true assignment was to find dirt on Walter Dudycz. State records show that this individual has a contract with the State, and I will very briefly read the part of the contract where she will work directly with the President or his designee, research problems, prepare memos, write reports covering the subject area assigned by you, Mr. President. If what the article says is true, this -- this activity is unethical. It is immoral. And it's quite possibly illegal. If the State dollars were used, Mr. President, to pay for this person's dirty tricks activities to find dirt on myself, it should be thoroughly investigated. I am outraged. And I want the record to reflect that I intend to present this information to the State's Attorney's Office, so that a formal investigation would reveal all the facts of this matter. Thank you.

PRESIDENT ROCK:

You might just share the rest of the article. Senator Dudycz.

SENATOR DUDYCYZ:

At the request of some of the Members, I will read the article - the portion pertaining to what I just referred to. You want me to read the whole article? No, I don't think so. I don't think this -- this is -- this has three different stories. I will read... "Finally," - and I'm quoting, Mr. President - "on the more humorous side - the thought of Dan Quayle for some reason always brings hilarity to mind - is the tale of Donal Quinlan and

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a young lass named 'Mary Ford.'" This is an article by Greg Hinz - a commentary at the Lerner Times, dated June 24th, 1992.

I continue: "Quinlan works for me. A few days ago, he got a call from a woman who said her name was Mary Ford. She said she was a journalism student at Oakton Community College, and asked if she could stop by and photocopy a few articles about a hot State Senate race Quinlan is covering on the Northwest Side between Republican Walter Dudycz and Democrat James McGing.

"Ms. Ford did drop by - complete with a file loudly labeled 'Journalism 101' or something of that type. Ms. Ford made the copies, and asked Quinlan if he was aware of any interesting candidate 'vulnerabilities.'

"Now, Quinlan is a gentleman, always willing to help a struggling student - particularly one of the female persuasion. So he invited the young lady to pursue her research at lunch. But Quinlan is not known as 'Bulldog' for nothing. So in the midst of her ham sandwich, a red-faced 'Ms. Ford' conceded that her real name was Margaret, that she worked for Senate President Philip Rock, and that her real task was to find dirt on Dudycz.

"One Margaret Foran is now seeking other employment. (A quote) outraged (unquote) Rock wrote Lerner Newspapers a formal apology, stating that he takes 'the code of ethics and fair campaign practices very seriously.'

"Rock wrote that he will do all he can to prevent a repetition and, frankly, I believe him. But I'm not so sure I'd extend that to the rest of the political establishment.

"After all, last week was the 20th anniversary of a certain 'third-rate burglary' in Washington. Let's hear it for traditional values in politics and government."

And that, Mr. President, is the conclusion of the article. And I will continue to speak with the State's Attorney's Office to conduct an investigation. Thank you.

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PRESIDENT ROCK:

Top of page 14. 3769. Senator Topinka. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3769.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes, House Bill 3769, Mr. President and Ladies and Gentlemen of the Senate, after many amendments and negotiations between DCFS, various private agencies and also AFSCME, comes up with this. And I must tell you at this point, I think we're on target, but I'm not a hundred percent sure. This would allow DCFS to designate a private agency or an employee of a private agency to appear for DCFS in juvenile proceedings. The appointee must have both thorough and personal knowledge of the facts in the case in which the -- the appointment is made. This is designed to eliminate DCFS caseworkers from sitting all day in court on cases that the Department is not actually following and which have been assigned to private agencies. That is the nature of the bill.

PRESIDENT ROCK:

The Lady has moved the passage of House Bill 3769. Any discussion? Senator del Valle.

SENATOR DEL VALLE:

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

PRESIDENT ROCK:

Sponsor indicates she will yield, Senator del Valle.

SENATOR DEL VALLE:

Senator Topinka, I know a lot of work has been done on this and the -- the Child Care Association and other groups have signed

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off. Is that correct? Yes.

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

And my understanding is that in the process of establishing rules and procedures, that you will be working to clarify who is responsible for following up with the recommendations, or whose recommendations will be used in court. Will it be the private agency's recommendations, or the DCFS caseworker or other DCFS personnel recommendations?

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes. I mean, it -- it will be all, or part, or whatever is relevant. I mean, the rules will be promulgated to accomplish that.

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

My concern is that the -- the language is still not clear. It's rather ambiguous, but I -- I think this can be worked out through the process of rules in the Department. So I certainly hope that that will be the case. Thank you.

PRESIDENT ROCK:

Further discussion? If not, the question is, shall House Bill 3769 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 3769, having received the required constitutional majority, is declared passed. 3807. Senator Cullerton. 3857. Senator Marovitz. Read the bill, please.

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SECRETARY HAWKER:

House Bill 3857.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. House Bill 3857 changes -- makes minor changes in the Hate Crime Law. Increases the penalty for hate crimes from a Class A misdemeanor to a Class 4 felony for a first offense, and from a Class 3 felony to a Class 2 felony for a subsequent offense. It also adds one hundred hours of community service to the Looting Statute which is already in existence, if somebody is convicted of looting. And I would ask for your favorable roll call.

PRESIDENT ROCK:

Discussion? Senator Fawell.

SENATOR FAWELL:

Senator -- Marovitz, will you yield for a question, please?

PRESIDENT ROCK:

He indicates he will yield, Senator Fawell.

SENATOR FAWELL:

Senator, I was under the impression that the Supreme Court has ruled that we can no longer pass legislation - and I may be wrong, obviously - but I would please like a clarification on the rule -- the ruling. And do our laws indeed fall underneath this Supreme Court decision?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

That's a very good question. I'm glad you brought that up. The Supreme Court decision in the St. Paul cross-burning case did

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not, in fact, invalidate hate crime legislation. It invalidated that particular Statute, which is substantially different from the Hate Crime Statute that we have here, which deals with predicate crimes: assault, battery, criminal damage to property, those kinds of things where there's a predicate offense. There were actually three or four concurring opinions written by the justices which, in fact, differentiated the St. Paul cross-burning Statute, which was invalidated, from other hate crimes Statutes that are -- on the books, like ours, across the country. We are having a legal research team looking into this. If we need to make a modification in our Hate Crimes Statute to make sure that it's constitutional and valid, then this bill will go to conference to make that adjustment. Heretofore, we don't think we need to do that. Our Statute is substantially different from them, and we think the Hate Crime Statute in Illinois is still constitutional.

PRESIDENT ROCK:

Further discussion? Further discussion? If not, the question is, shall House Bill 3857 pass. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. House Bill 3857, having received the required constitutional majority, is declared passed. 3870. Senator Jones. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

House Bill 3870.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President and Members of the Senate.

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House Bill 3870 amends the Prevailing Wage Act and requires the Department of Labor to determine the minimum rate for operating trucks in order to protect the prevailing wage rate for owner-operated equipment by truck drivers. This bill would apply to any public works project that required the use of trucks. And the concept of this bill is to ensure that operating costs of trucks are considered when calculating the rate owner-operators shall be paid. And I ask for a favorable vote.

PRESIDENT ROCK:

Gentleman has moved passage of House Bill 3870. Discussion?
Senator Hudson.

SENATOR HUDSON:

Thank -- thank you, Mr. President and Ladies and Gentlemen of the Senate. With all due respect to my friend, Emil, I rise in opposition to this bill. It appears to be another ill-advised expansion of the prevailing wage at a time when we can ill afford to do this. It will raise the cost on public projects at a time when we can ill afford to do it. I have some information here from the Department of Labor which I don't think they would object my sharing with you. The Department is vehemently opposed to this bill. "House Bill 3870 would require the Department of Labor to investigate and ascertain an equipment rate for owner-operator truck drivers on public work construction projects in Illinois. Passage of this legislation," the Department says, "would require the addition of two staff members - one support staff and one labor conciliator. In determining wages for these particular classifications, the Department would find it necessary to hold rate determination hearings throughout the State. Contractual services would include a hearing officer, court reporting and postage. If House Bill 3870 is signed into law, and with an effective date of January 1, 1993, the Department of Labor's administrative costs for one year is estimated to be" - and then

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they have a total here of close to seventy thousand dollars. Well, I would just -- just suggest, Ladies and Gentlemen, that at a time that we're trying to cut costs in the State of Illinois - the cost of doing business - this seems to me to be a poor time to be introducing a measure of this kind that will, in effect, up the expense to the State of Illinois, and hence the taxpayers, eventually, of the State of Illinois. So I would urge that you give this a good look and consider strongly voting No on the issue. Thank you.

PRESIDENT ROCK:

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you. Will the sponsor yield for a question?

PRESIDENT ROCK:

Indicates he will yield, Senator Brookins.

SENATOR BROOKINS:

Senator Jones, if I own a truck and I'm a little businessman - maybe one truck - and decide to drive it myself, could I then, if your bill was in law, come to the State and say, "Look, I'll offer at a minimum wage and offer my truck at a price that I determine that -- what I want to make?"

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

This bill is designed to help that very small person. What it does on public work projects, when these public work projects bid out for bid, when they compute the cost of that project, they would include in there that cost for the -- operating that vehicle. And the construction companies that generally bid on these projects would receive enough dollars to pay that little, small businessman who owns his own truck the proper amount it costs to operate that truck. So it would actually help.

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PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

So what you're saying to me, Senator Jones, that I would not be able to do that, that they would compute what they're going to pay me the same as they would if I had a hundred trucks or a thousand trucks, and that's what they pay me. And therefore, I could not compete with the larger truck companies. Is that what you're saying?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones.

SENATOR JONES:

For your edification and clarification, Senator Brookins, what I said to you is that when they figure the cost while -- for a person who owns a truck to be operated, they would set a minimum amount that shall be paid for that truck. Right now, a owner-operated truck has to take the expense of operating that truck out of his salary, which is a prevailing wage. So therefore, he's not making the amount of money that you think he's making. This would protect him.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Brookins.

SENATOR BROOKINS:

To the bill: I disagree with you, Senator Jones. I am saying that if I'm a small operator, I would calculate what I'd need to get by with, how I can operate my own truck and run it and make money. If you're a small businessman, you sometime takes jobs where you don't make any money, just to have the truck working. Sometime, you have to make a thing work. And that's what small business people do; they make things work for their advantage. I can tell you that in my business, I own my own hearse. I drive the hearse myself, and the reason that I can drive it myself is

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because I don't have to pay myself what I would have to pay other folks if I had them to drive it, therefore running costs up. I'm telling you, the way to get over in this world is to do things yourself and to get up early in the morning and go to work. And for that sake, this is a bad bill. And I have opposed it in the committee, and I'm going to oppose it here on the Floor.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? The Gentleman from Cook, Senator Butler. Butler.

SENATOR BUTLER:

Thank you very much. And, Senator Brookins, if you ever write a book on that subject, I'd be happy to have a signed copy of it. Free.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Look out, he may kiss you.

SENATOR BUTLER:

Here's another one of those bills that seems to me to fly in face of all the copious tears we -- we give over business and attracting businesses and keeping jobs. As Senator Brookins pointed out, here's a guy who invested in his own truck and now we're saying to him, "We're going to fix prices and you either conform to these prices or get out of business, because you're a little guy. And how are you going to compete with a guy that has fifteen or twenty trucks and has a lot of -- of clout?" I think the normal person would just simply throw up their hands. What we're doing here is fixing prices. Whatever happened to free enterprise? Secondly, what we're doing is putting the Illinois Department of Labor into the -- into fixing prices on trucks. That's crazy. That is absolutely out of reason. Why would we put a department of the State in the position of fixing prices? I don't think we ought to do it to the -- to the small businessman. This is none of our business. It's free enterprise. If you want

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to drive the little guy out of business, find another way to do it, not through the State.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President and Members of the Senate. I rise in strong opposition to this bill. I agree with Senator Jones on one thing; it'll help small businesses - help them out of business, small operators. Southern Illinois is -- is full of owner-operators that operate their -- their equipment and I don't think the teamsters need to be setting the rates on equipment. I just think that this is -- this is really a bad bill that -- that should be defeated.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Luft.

SENATOR LUFT:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR LUFT:

Very quick question, Senator. Is the Department of Labor going to have a predetermined rate that they will -- pay?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones.

SENATOR JONES:

After the Department holds hearings, they will have to promulgate rules as it relate to the rate that shall be paid vehicles owned by owner-operators in the State of Illinois.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Luft.

SENATOR LUFT:

To the bill, Mr. President: This bill is really a bad bill,

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and I'll tell you why. How can you have a predetermined rate on a class of people when each individual in that class has a different interest rate that they may have to pay on that truck, a different insurance rate that they may have to pay on that truck, and other costs that one small trucker may have versus another small trucker? Secondly, this is -- I'm assuming we're going after an industry that doesn't only lease trucks - and I don't know why he's -- he's just focusing on trucks - but the construction industry leases everything, including those little barricades you see out there. So if you want to mandate that through this program also. But I think it winds up hurting the small trucker more than it does help them out.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Hall.

SENATOR HALL:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR HALL:

Senator Jones, who wants this?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones.

SENATOR JONES:

The legislation is strongly supported and endorsed by labor and Teamster is pushing this legislation.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Jones, to close.

SENATOR JONES:

Yeah, thank you, Mr. President. And let me respond to my colleagues - some on this side of the aisle - as it relate to this -- their remarks on this bill. When they talk about it would hurt

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the small business person, let me tell you what happened in contracts. If you do not compute in there the cost of operating that truck into the amount that you would give for that owner-operator, then you -- in turn you say, "We're giving you fifty dollars an hour in -- in prevailing wage as a truck driver." But that same truck driver got to take the whole cost of operating that truck out of those wages. So therefore, this bill helps him. It does not set a maximum, Senator Luft, as you alluded to. It sets a minimum. And I understand my other colleague on this side of the aisle who has the funeral business. I understand your opposition, Senator. It's been that way for some time. I thought we had dealt with that issue. But you're joining with your colleagues on the other side of the aisle to try to suppress the little person. This bill helps that little, individual owner-operator so that he in turn can earn more wages, not make less money. And I -- I'm very shocked that even some of my Democrats on this side of the aisle who claim they want to help the little man. You vote against this bill, you are hurting that very person you're talking about trying to help, because he has to go in there for a lower wage, a lower amount, and he will always be on the bottom, scuffling. This is a very good bill. It should have a unanimous vote in this Body, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall House Bill 3870 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 18 Ayes, 35 Nays, none recorded as Present. House Bill 3870, having failed to receive the constitutional majority, is hereby declared lost. House Bill 3884. Senator Cullerton. Please read the bill, Madam Secretary.

SECRETARY HAWKER:

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House Bill 3884.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President and Members of the Senate. This bill deals with an attempt to fund the trauma centers - both Level I and Level II Trauma Centers - in the State of Illinois. When the bill passed the House, the way it was drafted, it said that there was going to be -- a five-dollar penalty would be added to every conviction of a moving violation. And this was how the money was going to be raised to fund this, but they said it would only go into effect if and when the Supreme Court raised the amount of the money that was the bond that people must post. So after the bill passed the House, it came over here. Lo and behold, the Supreme Court did raise the amount from fifty dollars to seventy-five dollars. The five dollars was supposed to come out of that additional twenty-five dollars. Now as it turns out, the fifty dollars is distributed by a formula, which was negotiated last year as it applies to certain counties, and the rest of the State has a different formula. So negotiations are going on right now in order to determine where this five dollars should come from - whether it should be a percentage or whether it should be taken off the top. So I would tell you that the bill is going to go to a conference committee, but the -- the only issue to be negotiated is how that percentage should work. You should know what the bill does, once we secure the funds: half of the money will -- first of all, there's some money that goes to the State and the clerks for their -- five percent goes -- a total of five percent goes to the clerks and to the State departments for their administrative costs. The -- the rest of the money is split in half. Half stays

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where it's collected. So if you have a moving violation in your hometown, that money must stay within that -- that region, that trauma region. The other half then is eligible for the -- the assessment program. And so it will be sent to Washington. It will be matched for Medicaid and then it would come back and it would be doubled. The initial goal of the bill estimate was that this bill would raise a total of four million dollars. We would take half of that, two million, and send it to Washington and get that matched so that the total overall would be approximately six million dollars. You may recall that we had passed a bill to provide money, in 1991 - I think it was five million dollars for trauma - but last year we had to -- because of the budget crunch, had to remove that. So this is a constitutional way in order to raise money for the trauma centers, and it's fair, because it keeps the money - or at least half of the money - in the -- the community where the money was raised; the other half goes to the Medicaid Program. Be happy to answer any questions. As I indicated, it is going to go to a conference committee.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The Lady from DuPage, Senator Fawell.

SENATOR FAWELL:

Thank you very much. Will the sponsor yield for a question, and would Senator DeAngelis sit down? Thank you, sir.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Cullerton? Indicates he'll yield.

SENATOR FAWELL:

Senator, you know, I -- I voted for this in committee. I think you're certainly on a -- on the right track -- a very good idea. I have been asked on this side of the aisle by a couple of Members to ask, first of all, do you think this may indeed take money away from the -- the locals?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Senator Cullerton.

SENATOR CULLERTON:

Well, see, when the bill was first negotiated, there was only fifty dollars that could be in the pie. And so the Municipal League said, "As long as the five dollars comes out of any new money, then it's okay with us." Well, the pie just got bigger about a week ago, and so -- yes, all the municipalities are going to get more money, because the bond is going to be raised. But we still have to figure out the best mechanism for this -- our goal is still only to take five dollars out of seventy-five dollars for the trauma centers. And the Municipal League is cooperating with the negotiations to try to figure out what's the best way to do that. It's either going to be taken off the top, or there is -- maybe they might actually get a percentage of the -- of the bigger pie. But the Municipal -- the Municipal League and cities know that they have a problem themselves with the lack of money for trauma centers, so -- they're very sensitive to the issue.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

So the bottom line is, at least they will certainly be getting considerably more than they do present. My second question is, there was a suggestion brought up during the debate in the committee, and that was that a better idea might be to add a dollar to all of the driver's license applications. I think we discussed that and decided that that was going to be similar to what the problem was that we ran into with the marriage -- marriage licenses, and, in fact, that was found unconstitutional. If that question comes up again, I want you to know that I think those of us who heard the testimony agreed with you that that was not the way to go. I think this is an excellent idea, and I will be glad to work with you in conference to see if we can get it so

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that everyone will be satisfied, and solicit an Aye vote on this side.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. Just for the benefit of Senator Fawell, and, Senator Cullerton, correct me if I'm wrong, the State is broken down into basically eleven trauma regions, and I think this is probably the most fair distribution of monies that there is, because if the money is raised in your community, it stays in your community. It doesn't -- Senator Fawell, the money from DuPage would not go to Chicago. The money that stays in Chicago would be disbursed between like the five trauma centers that Chicago has. The Downstate trauma centers -- it would stay within that region. So whatever monies is raised within each region, that money stays local. And the other point that you made regarding that one dollar -- I think the important point is -- there -- is that that may be a good idea for additional funding, but not as a replacement of what Senator Cullerton has proposed here. But I do have a question for Senator Cullerton. My -- if he yields, Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

He indicates he will.

SENATOR RAICA:

Senator Cullerton, it's my understanding that there's a possibility that an amendment would be put on this bill when it goes to conference committee that would take money away -- actually it's monies that go to the Illinois Local Government Law Enforcement Training -- Officers' Training Board now. And I think the only reservation I have about that, if that is true, is that money would be taking away from our local police departments for training. Is it your intent, as chief sponsor, to entertain such

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an amendment if is it proposed? Because right now there's no one in opposition to this legislation whatsoever, but I know there will be, and I know one of them is going to be the Illinois Local Government Law Enforcement Training Board. So are you going to entertain that, or not?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Cullerton.

SENATOR CULLERTON:

Well, the current recipients of the money, as set up by a formula which applies only in certain counties, I understand, they are one of those. They get a percentage. I don't know what the percentage is - two percent or something like that. Now remember now, this pie has gotten bigger. They were getting two percent of fifty dollars. Now it's going to be of seventy-five. So nobody's going to get less money. The only question is, of this new money, we want to take five dollars for the trauma centers. How are we going to figure out what the percentage is? I think -- my guess is -- is that the -- there's going to be -- everybody will take a proportionately different reduction in their percentage, but they're still going to get more money. And again, it's going to be a conference committee. It's going to have to be worked out and agreed to. I -- my goal is to have no opponents to the bill. Certainly they'll never have less money than what they're getting now.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Raica. Raica, please. Thank you.

SENATOR RAICA:

I -- I think that, John, that you answered the question. Basically what you're saying is that you're not -- your intent is not to hurt the local police organizations right now. They may not get more, but they're not going to get any less than what they're getting now, is what you're saying. But you do not intend

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to hurt them. Okay.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Cullerton. Any further discussion? Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR JONES:

You know -- Senator Cullerton, you know, I did have an amendment on this bill to make it more equitable, but I believe the sponsor should have the bill in the shape that he desires. Now you indicated you're going to conference committee. Is the intent, when you go into conference, to change the method with which the funds are raised, and consider the amendment that I had?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Cullerton.

SENATOR CULLERTON:

Well, as I recall, your amendment would have assigned a dollar to everybody's motor vehicle registration. And you know, first of all, there's some problems with that constitutionally, and then there were some problems with it politically, because I think the Secretary of State's Office was opposed to it. So I certainly will consider it in conference, and Senator Fawell indicated that she has opinions on that as well. So we will discuss it in the conference committee, of course.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones.

SENATOR JONES:

Well, let me speak to the bill. There is opposition to the bill - the manner with which the funds are raised and -- which I raised in committee and I raised here on the Floor. What you are doing is imposing a five-dollar penalty -- fine on moving

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violations. And in essence, what you are doing is that those persons who are ticketed will be those persons who will be paying for the trauma centers. Now it would be all right, Senator Cullerton, if those persons who received the tickets received those tickets very fairly. Just two days ago in the Chicago Tribune they talked about -- there's an article talking about how the tickets are issued in the suburbs. They give them a lesser ticket, so that that ticket would not -- violation would not appear on their record. But if you go to traffic court in the City of Chicago - if you go to traffic court in the City of Chicago - you would think only blacks and Hispanics drove cars, because that is all that you see there. They're the only ones, basically, that are given those tickets where they have to appear in court. Also, on the entire South Side of the City of Chicago there is not a trauma center, but it's going to be mostly those persons who are going to be paying for it. They're the ones who are going to be paying and penalized for tickets -- in many instances the tickets are given out to them in a discriminatory manner. So it is a bad bill, Senator Cullerton. I know we need money for trauma centers. As I indicated to you, if -- Mr. President, could I get a little attention here?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Please proceed.

SENATOR JONES:

If the tickets are handed out in a more fairly manner, and what Senator Raica was talking about - maybe some of the Chicago policemen do need training. They do need training so that they can do the job as they are assigned to do, and not be discriminatory in handing out traffic citations. But it is a disgrace the way it is done, and that's the reason why I have opposition to this bill. And, Senator, if it goes to conference - and you indicated it will - I trust that you would take this under

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consideration, and let's find a more equitable way of funding the trauma centers in the State of Illinois.

END OF TAPE

TAPE 3

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall House Bill 3884 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 36 Ayes, 12 Nays and 2 recorded as Present. This bill, having -- and House Bill 3884, having received the constitutional majority, is hereby declared passed. House Bill 3986. Senator Dart. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3986.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Dart.

SENATOR DART:

Thank you, Mr. President, Members of the Senate. The bill as it exists now is a shell. It came over to deal with the problem of the battered spouse syndrome. The bill passed out of the House 113 to nothing and was on our Agreed Bill List here. We have since found there's some technical flaws in it. The public defender's office and the State's attorney's office are working together right now to work those out. We plan on putting this in a conference to work out those flaws, and I'd solicit your

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support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall House Bill 3986 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 59 Ayes, no Nays, none recorded as Present. And House Bill 3986, having received the constitutional majority, is hereby declared passed. House Bill 4024. Senator Jones. 4024. Please read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 4024.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. House Bill 4024 amends the Title Insurance Act and requires foreign or alien title insurance companies authorized to do business in Illinois to maintain at least the same reserve on title insurance policies issued on properties located in the State as are required of the domestic company. That's all the bill does. Ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall House Bill 4024 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 58 Ayes, no Nays, none recorded as Present. And House Bill 4024, having received the constitutional majority, is hereby declared passed. 4025. Senator Welch. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 4025.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill does is amend the Environmental Protection Act by appropriating money to the Pollution Control Board from the Environmental Protection Permit and Inspection Fund. It allows for a change in the ceiling as to how much money can be transferred, by increasing it by an additional eighty-seven thousand five hundred dollars. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The Lady from Cook, Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I very reluctantly rise in opposition to this bill. First of all, the amendment did make the bill very much better and I appreciate that, and I certainly hate to be in the position of standing between the Pollution Control Board and the Environmental Protection Agency. But the Pollution Control Board - and I can understand their rationale - has refused federal funds for their funding, because they did not want to be mandated by federal regulations. However, it has been impossible for the EPA to do that. They have to accept grants and matching funds from the Federal Government, and I just -- I have a problem in principle with this particular bill taking money away from one environmental agency to another in a year when we have such constraints on our budget. And -- and even though we have cut the amount in half, I think that the Pollution Control Board really ought to rethink their position and ought to accept their money from the Federal Government, and probably that would alleviate all of this problem of taking money away from one agency to give it to

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another. And I just -- I just have to resist this bill and say that I think it's a very poor policy, and I hope that all of you will consider what we're doing here.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Welch, to close.

SENATOR WELCH:

Well, I would just say that this appropriates money to the Pollution Control Board from the Environmental Protection Agency. It's been supported by the Environmental Council. It's been opposed by the Environmental Protection Agency. Obviously they don't want to lose the funds. We had hoped that the Governor's Environmental Program 2000 would come up with additional funds to make this unnecessary. Unfortunately, they didn't. So I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall House Bill 4025 pass. All in favor, vote Aye. All opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 46 Ayes, 11 Nays, none recorded as Present. And House Bill 4025, having received the constitutional majority, is hereby declared passed. House Bill 4037. Senator Karpziel. Out of the record. House Bill 4070. Senator del Valle. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 4070.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. House Bill 4070 establishes the Small Business Surety Bond Guarantee Act. This Act will set up a

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fund to assist small businesses who are unable to obtain bonding. The bill was amended to address concerns of CMS. The amendment places limits on the amount of guarantees available for issuance in a given program year and the amount available to be given to small business. It also changed the penalty for false statements, making it consistent with the Minority and Female Business Enterprise Act. And it grants the authority to purchase insurance to support the guarantee, and links the determination of substantial economic impact to the economic conditions of the area where the work will be performed. Also, it was amended to establish the makeup of the advisory committee that will be responsible for advising on the rules and procedures for the program. And as far as I know, there is no opposition to the bill. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Is there any discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. A couple questions of the sponsor, and then to the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR DeANGELIS:

Senator del Valle, who wants this bill?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator del Valle.

SENATOR DEL VALLE:

This bill addresses a longstanding concern that relates to minority-owned businesses, minority contractors, women, who have had difficulties in the past being able to obtain bonding to conduct work. We asked - we being Representative LeFlore and myself - asked staff to do some research. They came up with a couple models that exist, the main one being in the State of

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Maryland, and we've modeled the program after that state program that has had almost a zero percent default rate in it. We then approached the Treasurer and asked him if he was interested, and they agreed to help us with the program, and that's how it ended up in the Treasurer's Office.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I do not see any group signed on in favor of this particular piece of legislation. Can you give me, by identity, who those groups are?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator del Valle.

SENATOR DEL VALLE:

Well, for one, the Black Contractors and several minority contractors - the Hispanic Contractors and others have signed onto this and are very supportive of it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator DeAngelis.

SENATOR DeANGELIS:

And they signed on in committee on this? I mean, there's an absolute statement somewhere that they signed onto this, or are you thinking they might want to sign onto it?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator del Valle.

SENATOR DEL VALLE:

We've had discussions with them, and if I recall correctly, there were witness slips in committee in favor of it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I would like to have that verified by the committee

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chairman. But to the bill -- well, a couple more questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Please proceed.

SENATOR DeANGELIS:

This bill does not -- is not limited, as amended, to only those contracts that are public contracts. Is that correct?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator del Valle.

SENATOR DEL VALLE:

That's correct.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator DeAngelis, please.

SENATOR DeANGELIS:

Is there an appropriation to fund this insurance company that you're creating?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator del Valle.

SENATOR DEL VALLE:

There is no appropriation attached to this bill. It is anticipated that this program will be up and running in the spring of 1993, and it will be up to the Treasurer to deal with -- with the issue. But let me say that it is anticipated that the fees and also an appropriation and -- will get the program started, and that eventually the program will break even and support itself.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator DeAngelis.

SENATOR DeANGELIS:

And if not?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator del Valle.

SENATOR DEL VALLE:

Well, as I indicated, there is in the bill a stipulation that

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indicates that the maximum amount of outstanding guarantees for all principals shall not exceed three times the amount appropriated for the program in the current program year. So there are restrictions built into this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator DeAngelis, please.

SENATOR DeANGELIS:

Well, if that's correct, you can't do any business yet, until you have an appropriation.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator del Valle.

SENATOR DEL VALLE:

I indicated that the Treasurer will have to assume that responsibility, yes.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I guess you ought to join this with the farmers' bill, because this is another step in the process of socializing Illinois businesses. Yesterday we socialized the rural banking system; today we're going to socialize the insurance industry. The fact of the matter is, there are agencies out there who, in fact, do this kind of business. There's absolutely no limitation whatsoever in this bill as to when the State's going to do business and when they're not going to do business, except to say by size - not by the quality of the risk. It could be a triple A-1 risk that everybody wants to do business with, or it can be the worst risk in the western world, and the State would be doing business with them. You know, I think at some point we're going to have to realize -- and I want particular attention to be paid by those people who stand on this Floor day after day and talk about - and talk about - the things we don't fund in government:

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the programs for the poor, for the homeless, for the sick, for the people that are mentally ill. Because, fellow Americans, let me tell you where that money is being lost - it's exactly on these things right here and the farm program. Every time the Treasurer of the State of Illinois puts money into something, he's taking it away from something else. And every time he gets it returned that's far less than what it ought to be, he's taking it away from those funds as well. And when he loses money that we have to pay for, that is money that's supposed to go into those programs. And I think there's a real note of hypocrisy when there are people on this Floor that with one breath decry - decry - the fact that we do not fund social programs, and then lets the State Treasurer become the number one socialist in the country by nationalizing every industry we have in the State. I think -- Senator del Valle, with all due respect to the Hispanic contracts, no mas - no more. We ought not to be doing any more of these programs. There are people out there that are doing this. In fact, there isn't one person in the industry who's in the contracting field that's signed on as a proponent, according to my list. In fact, even AFSCME is neutral on this, because they know full well what happens when these programs cost the kind of money they might cost. There's no need to do this. If there is, then it ought to be done in a way different way, because you to have at least have criteria in here that says the person that's eligible ought not to be able to get it anyplace else. Don't put the State in competition with private industry, with the taxpayer, the person that provides the money to go ahead and pay for these programs that all of us want to fund. And let's not have the Treasurer put his money where he can gain some favors from somebody, and then -- at our expense. This money is our money. It's not his. And he ought not to be investing it in this manner.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Any further discussion? Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. Question to the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR WEAVER:

I was wondering, Senator, is there any estimate of what the State's liability might be through bonding all of these minority contractors in every aspect of their bidding? It seems to me that we're exposing ourselves to future expenditures to pay off these bonds. Do you have any idea of what the experience has been in the -- in the private sector through bonding companies who do bond, say, new start-up companies, contractors, et cetera? Is there -- do you have any indication of what the losses have been?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator del Valle.

SENATOR DEL VALLE:

Senator Weaver, the bill spells out clearly of what the requirements are for participation. There's a criteria established that will carefully screen the applicants. It is meant to help a very small group of individuals. There are safeguards built into this bill. We will be able to go after the assets of the individuals who default, and we will be able to cover the costs in that manner.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Weaver.

SENATOR WEAVER:

I can certainly see in the future that, when these claims come about, there's going to be an awful lot of people going to the Court of Claims because of the activities of bonding contractors who are maybe not able to complete the contract or complete the

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bid as bid -- the contract as bid. So I just am fearful down the road that we're exposing the taxpayers of the State of Illinois to millions and millions of dollars.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator del Valle.

SENATOR DEL VALLE:

Again, we're talking about a very small program. I think the problem here is the inability of the larger contractors, number one, to recognize that there are some very small businesses out here. And this does not apply just to women and minorities. This applies to any small business that is in need of help in its first and second year. This is a job creation bill. It's interesting that Senator DeAngelis, who is a strong advocate of -- of economic development and of self-sufficiency, as I am, would be opposed to a bill that, with a very small amount of money -- and in this case, we're talking about authorizing also the Treasurer to pursue funding for the program from private sources. We know that he can also have insurance. We've negotiated in the bill the provision that he can have insurance to cover himself. And so I think that we're talking about creating jobs; we're talking about allowing small contractors to expand their business and to do business with the private and public sector. And in the State of Maryland, over the past seven years, some fifty - fifty - small business have tried to get surety bonds guaranteed from Maryland. About half were successful. Obviously, there's a screening process. There have been no defaults - no defaults - in seven years. So I really think it's not fair to label this a program that's wide open and that's going to create all kind of liability for the State of Illinois and for the taxpayers.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Further discussion? Senator Palmer.

SENATOR PALMER:

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Thank you, Mr. President and Members of the Senate. I want to compliment Senator del Valle for this bill. It is one more barrier removed for those who want economic empowerment. I am -- have read our analysis, which goes on for two pages, and certainly indicates that there are more than adequate safeguards, and perhaps more safeguards than there were for many companies that have defaulted recently and left small stockholders holding junk. So once again, congratulations.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR DAVIDSON:

In language that this dumb farm boy can understand, are you really saying we, the State, are going to insure ourselves against a contractor ability or inability to finish the job that they've bid?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator del Valle.

SENATOR DEL VALLE:

This is a program to help a small group of individuals, of businesses, to be able to get work, to be able to get bonding, to -- that allows them to do the work for the State or in the private sector.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

You didn't answer my question. Yes or no. Is the State of Illinois insuring the contractor that has to have a bond to be able to get a State contract to do a job? Are we insuring

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ourselves to guarantee that this contractor finishes the job?

PRESIDENT ROCK:

Senator -- Senator del Valle.

SENATOR DEL VALLE:

The word "guarantee" means just that, Senator Davidson, obviously. But we're talking about a program, as Senator Palmer stated, that has strict guidelines, regulations that is modeled after other programs in other states, where there has been a zero default rate over long periods of time. And so, those states have had -- haven't had to guarantee and haven't had to cover the costs of the work that you're talking about.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

Senator del Valle, I don't want to persist, but yes or no. Are we insuring ourselves against the contractor's ability to finish or not finish the job? Just give me a yes or a no. Don't give me a long speech.

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

I thought I had answered that question, but if you want one word - in very few cases, yes, that's the effect.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, our analysis says that this bill would authorize the Treasurer to guarantee any surety up to ninety percent of its losses incurred under a bid bond, payment bond or performance bond of not more than a million dollars for each bond or on any contract with the federal, State, or local government or with a utility regulated by

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the Illinois Commerce Commission. If the State is going to guarantee up to ninety percent, if there's a nine hundred thousand dollar loss, ninety percent of -- or let's say, take a million, how much is ninety percent? It's a nine-hundred-thousand-dollar loss. Now this doesn't just apply to minorities or women. It applies to any contractor. Now if a contractor ordinarily has to get a bond approved by a decent surety company, if the contractor does not have the assets to be able to do so, how can he survive in business then, if he starts getting losses in his business? I'm not against helping people to help themselves. God, I've been preaching it all my life, and I've tried to live it. However, Mr. President and Ladies and Gentlemen of the Senate, is the State in such good financial condition to be able to guarantee surety bonds up to ninety percent of losses? I doubt it. The other situation here is, the Treasurer has the responsibility to contract for and accept loans and grants for federal, State and local governments, adopt rules, et cetera, et cetera, dispose property, lease -- take assignments of rentals and leases and what have you. Those aren't the Treasurer's normal duties. What are we doing here? I think, frankly -- and I'm very much in sympathy with my colleague who's sponsoring the bill, but I think we're going far afield, and I don't think now is the time to do it, when we don't have the means in our own State Treasury to back up any guaranteeing of any bond funds. And therefore, I reluctantly have to oppose your bill.

PRESIDENT ROCK:

Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. I think the Members should look at the very bottom line of this and that is that the bill essentially says that we will use public funds to guarantee surety bonds for high-risk companies. And someone mentioned that the assets of the companies would be -- would act as some form of collateral, but I

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point out, if these companies had any kind of asset base, they wouldn't have to come to the State for a high-risk surety bond. I agree with the previous speakers. We're guaranteeing millions of dollars. One contract could be a million dollars, and it -- and it could go bad. I don't think we should expose the State to the kind of risk, dealing with high-risk companies and -- and looking ahead to the future, probably stringing us out for years to come. This is a bad idea for a good purpose.

PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. -- thank you, Mr. President. Well, we may have talked this bill to death - I'm not sure - but this is truly an incredible approach. I'm sure that Senator del Valle has a very laudable goal, which is to help minority and female small business, but, Senator, that isn't what the bill says. The bill says that a Small Business Surety Bond Guarantee Act shall apply to any contract. It doesn't say it's just small business. It could be a large business that's in trouble getting bonds. But if the contract is for a million dollars or less, they're eligible for help under this fund. The other thing I think you ought to notice is that the bonding companies, who are basically insurance companies, aren't opposed to this bill. Well now, why would they not be opposed to the Treasurer moving in to take over their business? Well, I'll tell you why. The way the thing is set up, it guarantees the insurance company against loss. The bill provides that the insurance company is going to be provided with a ninety-percent guarantee if they write the bond. Now do we really want to go into the business of guaranteeing insurance companies against losses on all contracts - public and private - in the State of Illinois that are less than a million dollars? That could be billions and billions of dollars we're talking about.

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This bill is not ready to be passed. Please, let's not do it today.

PRESIDENT ROCK:

Further discussion? Any further discussion? Senator del Valle may close.

SENATOR DEL VALLE:

Thank you, Mr. President. Anyone who's read the bill and the analysis will see that the language is very, very tight, that we are attempting here to work with a very small group of small businesses who are in need of help in their first or second year of operations. I don't see it applying to big business. I don't know where that's coming from. The intent here is to reach out and help minority businesses, black contractors, hispanic contractors, women contractors, who are not able to play with the big boys. They are excluded, and I say to you that that is by design. And as long as you don't allow for these small contractors to develop, then we will pass legislation to build airports, we will pass legislation to expand McCormick Place, we will build stadiums, we will build roads, we will spend billions and billions of dollars, and we will not do what needs to be done, and that is to allow equal opportunity for participation in a business -- in the business of construction. That's what this bill addresses. It's not a new issue. It's been around for a long time. And it seems that every time it comes up, there are lots and lots of excuses for not supporting a program. In this case, a program that the State Treasurer -- and if you set politics aside - and I know that's difficult to do around here - but if you set politics aside and you see that what we have here is a State Treasurer who is willing to assume the responsibility for making sure that this program operates in a responsible manner. And the legislation ensures that. The language ensures that, because it's modeled after programs in existence, programs,

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like the one in Maryland, that have been operating for seven years with a zero default rate, at no cost to the taxpayers - at no cost. And yet, we here present a doomsday picture. Why? Because we're protecting the interests of large contractors - that's why. And because we're not practicing what we preach. We're not doing what we need to do to make sure that the little guys - not just minorities - have an opportunity to expand and create jobs in the communities that we say need help, where we're telling people to pull themselves up by their bootstraps and get a job and go to work. Well, this is a bill that puts people to work, and I ask for an Aye vote.

PRESIDENT ROCK:

Question is, shall House Bill 4070 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 25 Nays, 1 voting Present. House Bill 4070, having received the required constitutional majority, is declared passed. Senator Schuneman, for what purpose do you arise?

SENATOR SCHUNEMAN:

Request a verification of that roll call, Mr. President.

PRESIDENT ROCK:

That request is in order. Senator Schuneman has requested a verification. Will the Members please be in their seats. Mr. Secretary, please read the affirmative roll.

ACTING SECRETARY: (MR. HARRY)

The following voted in the affirmative: Alexander...

PRESIDENT ROCK:

Pardon me. Pardon me. Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

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Did the Gentleman who requested the verification -- is he here and did he vote?

PRESIDENT ROCK:

He is standing here. He is not recorded on the roll call.

SENATOR DEMUZIO:

Is -- is it necessary for a person who voted, then, to question the Members' presence of those whom he is questioning?

PRESIDENT ROCK:

My judgment is -- my judgment is that is the right of an elected Member, having voted on either side or having voted not at all. Mr. Secretary, I've asked the Members to please be in their seats. Will you read the affirmative roll.

ACTING SECRETARY: (MR. HARRY)

Alexander, Berman, Brookins, Carroll, Collins, Cullerton, Dart, del Valle, Demuzio, Di Turi, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, Joyce, Keats, Kelly, Lechowicz, Leverenz, Luft, Marovitz, Munizzi, O'Daniel, Palmer, Rea, Savickas, Severns, Smith, Vadalabene, Welch and Mr. President.

PRESIDENT ROCK:

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

SENATOR SCHUNEMAN:

Senator Leverenz.

PRESIDENT ROCK:

Senator Leverenz on the Floor? Senator Leverenz on the Floor?
Strike his name.

SENATOR SCHUNEMAN:

Senator Marovitz.

PRESIDENT ROCK:

Senator Marovitz on the Floor? Senator Marovitz on the Floor?
In the doorway.

SENATOR SCHUNEMAN:

Senator Di Turi.

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PRESIDENT ROCK:

Senator Di Turi is seated next to his ordinary seat.

SENATOR SCHUNEMAN:

Senator Savickas.

PRESIDENT ROCK:

Senator Savickas is in the back of the Chamber.

SENATOR SCHUNEMAN:

No further questions, Mr. President.

PRESIDENT ROCK:

All right. The roll has been verified. Okay. 31 Ayes, 25 Nays, 1 voting Present. House Bill 4070, having received the required constitutional majority, is declared passed. 4188. Senator Dart. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 4188.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Dart.

SENATOR DART:

Thank you, Mr. President, Members of the Senate. This bill was proposed by the clerk's office, has become an agreed -- bill. It was agreed to by the clerk's office and the circuit court judge. This would clarify that the clerks can collect fees from people who have received supervision. It also will clarify the use of credit cards by the clerk's office in accepting fines and costs. Furthermore, it would provide for a three-dollar transaction cost for restitution payments. It increased the membership of the Illinois Criminal Justice Authority to include the clerk. And in addition to that, this bill would also provide for expungement in the case of pardons. The language for that had been technically flawed. The staff straightened that one out and

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now it -- believe it's in the proper form. The bill passed 106 to nothing in the House and was on the Agreed Bill List -- or 10 to nothing in committee, and I'd ask for your support.

PRESIDENT ROCK:

Discussion? The Gentleman has moved passage of 4188. Is there any discussion? If not, the question is, shall House Bill 4188 pass. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 4188, having received the required constitutional majority, is declared passed. All right. Ladies and Gentlemen, we will now revert back to page -- page 10 on the Calendar. As you'll recall earlier, there were seven bills on the Recall List. We will pick up those bills that were amended this morning, and then the Secretary informs me there are four additional, new Recalls, and then we'll do those. And then we'll move to the Order of Consideration Postponed, and then we'll pick up the balance of the Recalls, and that will conclude our business. So if I can direct your attention, 2824 was on the Recall. It is back on the Recall List. So we're turning to page 12. Top of page 12, Senator Jones. 3188. All right. Those that had bills on the Recall this morning that we are now going to address are Senators Jones, Welch, Cullerton, Topinka, Jones and Welch. Top of page 12, on the Order of House Bills 3rd Reading, is House Bill 3188. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 3188.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jones.

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SENATOR JONES:

Thank you, Mr. President. Earlier, when I put the amendment on - the amendment is the bill - and this bill will go into conference committee, but what it does is create the General Professional <sic> (Professions) Dedicated Fund for the Department of Professional Regulation, and it increases certain fees in certain professions. But again, we are still working on this issue. It will go into conference committee, and I ask for a favorable vote.

PRESIDENT ROCK:

Discussion? Is there any discussion? If not, the question is, shall House Bill 3188 pass. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. House Bill 3188, having received the required constitutional majority, is declared passed. Page 13. Top of page 13, on the Order of House Bills 3rd Reading, is House Bill 3605. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 3605.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill - 3605 - was initially supported by the Illinois Bankers Association. The idea behind the bill was to clarify what a Phase I audit is, so that when residential owners sell their property they know exactly what is required of them. 3605 has been amended to eliminate a conclusive presumption, and merely has a rebuttable presumption as to whether

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or not the owner of the property has done everything necessary to assure a buyer that it has been cleaned up. I'd be glad to answer any questions.

PRESIDENT ROCK:

Gentleman has moved passage of House Bill 3605. Discussion? If not, the question is, shall House Bill 3605 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 3605, having received the required constitutional majority, is declared passed. Middle of page 13, on the Order of House Bills 3rd Reading, is House Bill 3638. Mr. Secretary, read the bill, please. Senator Macdonald, for what purpose do you arise?

SENATOR MACDONALD:

Well, Mr. President, I had my light on. I -- it would not have changed my vote. I was going to vote for that last bill, but I -- I did want to really read into the record some of the -- some of the objections that the EPA has had on this bill. And I think -- well -- that -- that we still have not met all of the problems that were presented by that last bill. I don't -- I don't know whether that's appropriate now to read them in or not, but I -- I did have my light on.

PRESIDENT ROCK:

I'm sure it is appropriate, and I apologize.

SENATOR MACDONALD:

Well, I just wanted to say that, first of all, House Bill 687, that we had passed, would have protected leaders from the Super Fund liability. Senator Welch, would you -- would you agree with that -- that that bill that we passed would have somewhat protected them from that -- from -- from the -- the bankers from the problems that they seem to have had?

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PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

That was a bill from last year, I believe. And -- that -- that was the initial interpretation of the bill, yes.

PRESIDENT ROCK:

Senator Macdonald.

SENATOR MACDONALD:

The other things that I have to say about -- will the Phase I audit be adequate to disclose the presence of contamination in all cases, such as groundwater, supplies and so forth?

PRESIDENT ROCK:

Senator Welch. Senator Welch.

SENATOR WELCH:

Unfortunately, we have a list of questions which are usually asked for in legislative intent, but nobody gave me the answers. My understanding is that if there is groundwater contamination indicated, that would require a Phase II audit at that point.

PRESIDENT ROCK:

Senator Macdonald.

SENATOR MACDONALD:

My understanding, unfortunately, is that a Phase II audit is not very clear in this particular bill, regarding the discovery after a Phase I audit. Is that -- am I correct in that? Or -- or is that specifically addressed?

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

It is not as clear as I wanted. What we tried to do was spell out what a Phase I audit entailed and what a Phase II audit entailed. Unfortunately, when we got the draft of the proposal from the Illinois Environmental Protection Agency, they had had an

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additional several lawyers look at it, and the -- and the proposal that they came back with included sworn statements and also included a perjury element to it. So we couldn't go along with the Environmental Protection Agency's proposal, because it was so broad. But if you're asking me if I would rather have the specifics of Phase I and Phase II audit spelled out, yes, I would like that, but my feeling is that we couldn't get that into the bill.

PRESIDENT ROCK:

Senator Macdonald.

SENATOR MACDONALD:

Fine. Well, lastly, I -- I would like to make a statement and say that it is my understanding now that this bill will not protect anyone from the United States Super Fund language. Is that right?

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

That is correct.

PRESIDENT ROCK:

Senator Macdonald.

SENATOR MACDONALD:

One final statement, Mr. President: I will not be here, of course, next year, but I -- you know, I would hope that the people that will be reelected to this Body will start paying attention to what the environmental needs are, and we cannot always accommodate every special interest that comes along. I am willing to go along, because I think this is a -- was a very good compromise, and I complimented Senator Welch this morning, and I mean that that is so. But this bill still needs a lot of work on it in the future, and I hope that we will be able to come back and be able to specify, first of all, who the people are that are going to

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conduct these audits. I think that's a lack in this particular piece of legislation. And in order to protect the environment, which is a key issue with the people of this State, I feel that we should address some of the issues that were not addressed in this particular bill. I think it's a good start, but I think it needs a lot more work.

PRESIDENT ROCK:

All right. That having been said, we will move on to House Bills 3rd Reading. In the middle of page 13 is House Bill 3638. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 3638.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President and Members of the Senate. This bill deals with the Lead Poisoning Prevention Act, an Act which is on the books right now, and it resulted in -- proposed bill resulted in negotiations with the Illinois Association -- the Illinois Realtors' Association and the Lead Elimination Action Drive, which is a coalition of consumer groups concerned about lead poisoning. It's also supported by the Illinois State Medical Society, which pointed out that in Illinois about sixty-seven thousand children are screened annually for lead. Unfortunately, there is one million children under the age of six living in Illinois, and only a small percentage of these children are screened. It's estimated by the Department of Public Health that approximately -- almost thirty-eight -- twenty-eight thousand preschool children in Illinois have significant lead poisoning. This bill is a -- a design to beef up the current law. And as I said, it -- since most

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of the lead poisoning can occur in the home - in older buildings - it was of a great concern to the Association of Realtors. So what we have is a bill that's agreed to by the Realtors, the Department of Public Health and this coalition. It calls for the Department of Public Health, when there's someone who has been screened positive, to inspect the building. This is the current law, but this specifies in greater detail what their report should say. And then a copy of this report shall be given to the property owner and the occupants of the property. The big trade-off, if you will, in the negotiations were that the Realtors now will be allowed to -- I'm sorry -- the owner of the building will be allowed to mitigate lead hazards in dwellings, whereas the current law only seems to allow them to do total abatement, which is very costly. If the owner of the building does not mitigate within a particular specified period of time, then prospective tenants would be notified that this has not been remediated. It also calls for lead abatement contractors and workers to be licensed and to pay appropriate fees for that cost. Apparently, this is a very dangerous, quite frankly, occupation, and people who don't know what they're doing can make the matters worse. So I would be happy to answer any questions. I think it's an important bill, and appreciate an Aye vote.

PRESIDENT ROCK:

Gentleman has moved passage of House Bill 3638. Discussion? If not, the question is, shall House Bill 3638 pass. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. House Bill 3638, having received the required constitutional majority, is declared passed. Page 14 at the top. Senator Topinka. On the Order of House Bills 3rd Reading is House Bill 3739. Mr. Secretary, read the bill, please.

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ACTING SECRETARY: (MR. HARRY)

House Bill 3739.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, this bill has a number of components, because it has been amended several times, so if you will go along with me. Suffice to say that all parts have been signed off by all parties who are involved. So there should be no objection to any of the parts, but I will certainly be happy to answer any specific questions. The bill started life as a Legislative Audit Commission bill. And what it does and has been agreed to, by the Community Colleges Board of Trustees, as well as the Community College Board, in negotiations in working out the game plan here, would be addressing program elimination and appeal in community colleges, cooperative agreements, and also the establishment of standardized accounting principles in community colleges over a five-year transition period. So it's not going to cost anybody too, too much to implement this if you prorate it over a five-year period. Then we have the Rigney amendment, which apparently allows one of the schools in his district to stockpile some money so that they can build a building, and therefore do not have to go to bonding and subsequently pay for the interest involved. We have a clarification of the definition of educational facilities that may be leased by school districts. This would mirror that which is already contained in the School Code. It's a request to us from Morton High School in Cicero. They would like to lease some property for a parking lot. Also we have then the supernumerary amendments that are part of this bill now, which come to us agreed

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to by the Chicago Board of Education and the Chicago Teachers' Union, which would establish a program of certification and of hiring and of waivers and of how to get supernumeraries into jobs, and if not so, how then they can be let go. And that is agreed to by all parties. And that is the summation of the bill, and I would be happy to answer any questions.

PRESIDENT ROCK:

All right. The Lady's moved passage of House Bill 3739. Discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'd just like to say that this is an Audit Commission bill, and we want your most favorable support.

PRESIDENT ROCK:

Question is, shall House Bill 3739 pass. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 3739, having received the required constitutional majority, is declared passed. Page 14, in the middle. On the Order of House Bills 3rd Reading is House Bill 3815. Senator Jones. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 3815.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. House Bill 3815, as amended, amends the Illinois Roofing Licensing Act, and it creates and empowers a five-person Roofing Licensing Disciplinary Board to serve as

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advisory capacity to the Department of Professional Regulation. Also it permits the Department to recognize the -- successful completion of exams conducted and approved for <sic> (by) regional testing services under the Dental Practice Act. And I ask for a favorable vote.

PRESIDENT ROCK:

All right. The Gentleman's moved passage of House Bill 3815. Discussion? If not, the question is, shall House Bill 3815 pass. Those in favor, vote Aye. Opposed, vote Nay, and the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 1 Nay, none voting Present. House Bill 3815, having received the required constitutional majority, is declared passed.

Top of page 15. Senator Welch. On the Order of House Bills 3rd Reading is House Bill 4112. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 4112.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill does is create the Illinois Recyclable Markets Development Act, and what it does is establish a legislative intent that there is a need for low-interest loans to develop and foster the use of recyclable market commodities. It establishes the Illinois Recyclable Markets Development Advisory Council to review and make recommendations to the Illinois Development Finance Authority concerning recyclable marketable commodities, those projects eligible then for low-interest loans. It also establishes the Illinois Recyclable Markets Loan Guarantee Fund. There has been a

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task force meeting on recycling markets for quite some time. These are the recommendations of the task force. I would just say that in support of the bill, that the whole purpose is to make sure that, as we continue to ban items from landfills, we have to figure out what to do with them, and to develop markets to dispose of them. And that is one of the main purposes of this Act. I'd be glad to answer any questions.

PRESIDENT ROCK:

Discussion? Is there any discussion? If not, the question is, shall House Bill 4112 pass. Those in favor, 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 53 Ayes, no Nays, none voting Present. House Bill 4112, having received the required constitutional majority, is declared passed. All right. Ladies and Gentlemen, if I can have your attention, we'll revert now to the list -- new list of Recalls. ...(machine cutoff)... Revert back to page 10 on the Calendar. On the Order of House Bills 3rd Reading is House Bill 2824. Senator Marovitz seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2824, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 3 offered by Senators Marovitz and Philip.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

I think what I want to do is table Amendment No. 2 -- reconsider the vote by which Amendment No. 2 was adopted. Having voted on the prevailing side, I want to reconsider the vote by which...

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PRESIDENT ROCK:

All right. Senator Marovitz, having voted on the prevailing side, is moving to reconsider the vote by which Amendment No. 2 to House Bill 2824 was adopted. All in favor of the Motion to Reconsider, indicate by saying Aye. All opposed. The Ayes have it. The vote's reconsidered. Senator Marovitz now moves the adoption -- I mean, now moves to table Amendment No. 2 to House Bill 2824. Those in favor of the Motion to Table, indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Amendment No. 2 is tabled. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senators Marovitz and Philip.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

This replaces the other amendment, which inadvertently had a drafting error which would have made the amendment retroactive. That was not our intention, and this will be prospective only.

PRESIDENT ROCK:

Senator Marovitz has moved the adoption of Amendment No. 4 -- Amendment No. 3 to House Bill 2824. Discussion? If not, all in favor, indicate by saying Aye. Those opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. All right. Page 11 on the Calendar. On the Order of House Bills 3rd Reading is House Bill 3135. Senator Maitland seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3135. Madam Secretary.

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SECRETARY HAWKER:

Amendment No. 1 offered by Senator Maitland.

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Amendment No. 1 simply adds an immediate effective date. I would move for the adoption.

PRESIDENT ROCK:

Senator Maitland's moved the adoption of Amendment No. 1 to House Bill 3135. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Page 11. 3175. Senator Topinka seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3135 <sic> (3175), Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Topinka.

PRESIDENT ROCK:

3175. Senator Topinka, on Amendment No. 1.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, all this would seek to do is to create an immediate effective date.

PRESIDENT ROCK:

Senator Topinka has moved the adoption of Amendment No. 1 to House Bill 3175. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's

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adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Finally, on page 13, 3673. Senator Jones seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3673. Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Jones.

PRESIDENT ROCK:

Senator Jones, on Amendment No. 1.

SENATOR JONES:

Yes, thank you, Mr. President. Amendment No. 1 is merely a technical amendment, and I move its adoption.

PRESIDENT ROCK:

Senator Jones has moved the adoption of Amendment No. 1 to House Bill 3673. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. All right. Ladies and Gentlemen, if I can have your attention, we have only the four bills on the Recall that were just recalled remaining yet to be addressed, and then we have one, two, three, four, five bills on Consideration Postponed that some of the sponsors have indicated they wish to pursue. And then we will have effectively concluded our business. Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

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On a point of personal privilege, Mr. President.

PRESIDENT ROCK:

State your point, please.

SENATOR DEMUZIO:

If I could have the attention of the Members, we have a couple of very special guests that are visiting with us today, all the way from San Francisco. I think that's in California. Senator Sam Vadalabene has his number two son, Charles, who is here visiting with us today, along with his wife, Susan, and they are seated right behind Senator Sam. And I'd like for the Senate to recognize the offspring.

PRESIDENT ROCK:

Will our guests please stand and be recognized. Welcome. All right. Ladies and Gentlemen, so that we're all aware of what's going on here. It has been -- we are -- as I'm sure you're painfully aware, we are attempting to negotiate out a budget settlement, and in addition there have been just innumerable hours with respect to the subject of hospital assessment and nursing home assessment. And so it has been determined that, rather than having everybody sit around here, we can, by Senate action, extend the deadline for the consideration of four appropriation bills and the bills - three bills, at least - that deal with the hospital assessment to Monday and Tuesday of next week, respectively. And I have asked the conferees, both the budget conferees and the Medicaid conferees, to, as soon as we adjourn, get their act together and see if we can come up with some agreement. But it will just facilitate things if we are not confronted with today's deadline with respect to those two subjects. Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. With that in mind, I would ask leave that we go to the Order of Motions to present to the Body two motions.

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PRESIDENT ROCK:

All right. That -- that is in order, and Senator Karpziel also has a motion that Senator Philip discussed with me earlier, which is -- also will be in order. Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. My first motion would be to move to waive all applicable rules so that the deadline for House Bills 3rd Reading be extended to June 29, 1992 for House Bills 2758, 3175 and 3135. Those are three bills that deal with the potential issue of health care assessment legislation.

PRESIDENT ROCK:

That is agreeable with Senators Topinka, Maitland and Carroll, who are respectively the sponsors of those three. All in favor of that motion, indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended, and it is so ordered that those bills will be ruled exempt until the 29th day of June, which is next Monday. Right. All right. Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would likewise now move to waive all applicable rules so that the deadline for House Bills 3rd Reading be extended to June 30th, 1992 for House Bills 2703, 2704, 2867 and 2868. Those would be four appropriation bills, one of which I am the sponsor, one of which Senator Hall, one of which Senator Maitland, and one of which Senator Etheredge. And I would so move that the applicable rules be suspended so that the deadline be extended to June 30, 1992 for those four bills.

PRESIDENT ROCK:

All right. Any discussion on that motion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. The motion carries, and those four appropriation bills hopefully will represent the negotiated

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compromise on or before June 30, and they will be -- the deadline with respect to those four bills will be extended until June 30. And I would ask the Secretary to have the Calendar so indicate. Senator Karpziel.

SENATOR KARPIEL:

I move to waive the appropriate rule with respect to House Bill 4037 and have the deadline for final passage extended until June 30, 1992.

PRESIDENT ROCK:

Might you explain what that is.

SENATOR KARPIEL:

House Bill 4037 is intended to be the implementation of the Federal Clean Air Act, and the negotiations are still continuing among all the affected parties, and we hope to have a resolution and a bill before the end of Session.

PRESIDENT ROCK:

All right. The Lady has moved to extend the deadline for the consideration of 4037 to June 30, next Tuesday. All in favor of that motion, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and it is so ordered. All right. We'll revert now to the -- we'll revert now to the Recall List. That's Senate Bills 2824 and 3673, both of which were really important, and neither sponsor is on the Floor. And then we will go to -- there's been a request to go to the Order, finally, of Consideration Postponed, and we will quickly run through that list and will adjourn for the day. On the Order of House Bills 3rd Reading, Ladies and Gentlemen, we're in the middle of page 10, is House Bill 2824. Read the bill, please.

SECRETARY HAWKER:

House Bill 2824.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. This is the same bill we adopted earlier, only we changed it from a retrospective application to a prospective only, in dealing with the questions of foul balls at sporting events. This takes care of the question of liability and those questions -- in those cases, and I would ask for -- this is also the boxing and wrestling per diem increase of twenty-five dollars, which amounts to about fifteen hundred dollars. And I would ask for a favorable roll call on 2824.

PRESIDENT ROCK:

Discussion? Is there any discussion? If not, the question is, shall House Bill 2824 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, 6 Nays, none voting Present. House Bill 2824, having received the required constitutional majority, is declared passed. Middle of page 13, on the Order of House Bills 3rd Reading is House Bill 3673. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

House Bill 3673.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and Members of the Senate. House Bill 3673 codifies the law in relation to licensing of funeral directors and embalmers, and makes technical changes in many other

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areas. It is a rewrite of the Act. It extends the sunset provision of the Act. It is identical to the bill that we previously passed, a Senate bill by Senator Karpziel, and I ask for a favorable vote.

PRESIDENT ROCK:

Is there any discussion? If not, the question is, shall House Bill 3673 pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 3673, having received the required constitutional majority, is declared passed. If I can direct your attention, Ladies and Gentlemen, to page 28. Page 28 on the Calendar. There were bills that were ruled exempt that had previously been considered, and the sponsors requested that further consideration be postponed. Given the fact that this is the deadline, some of the sponsors have indicated a desire to give these another run. Page 28 on the Calendar. 1852. Senator Geo-Karis. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

House Bill 1852.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, the amendment becomes the bill. The language is permissive, and it merely gives local governments the right to inspect trenches, but they're not obligated by it. They're not liable if they don't do it. Doesn't affect home rule governments, and this is language that was worked out between labor and -- and industry. And I ask

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for a favorable roll call, and I have so stated the legislative intent of no liability to the local -- local governments, earlier. Appreciate a favorable vote.

PRESIDENT ROCK:

Further discussion? Senator Fawell.

SENATOR FAWELL:

I -- I think this is a very good bill. Senator Geo-Karis has worked very hard on it. There has been legislative intent which can be upheld in any court of law, I have been told, which will answer any question as far as the liability is concerned. And I would ask for an Aye vote.

PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Only to make the point that when this bill was on 3rd Reading, there was an exchange between Senator Hawkinson and Senator Geo-Karis which established - and was intended to establish - the legal liability exposure that's involved here. Not being an attorney, I'm not sure whether that is sufficient or if we need to go through that exercise again, since this now is passage stage. The bill failed at that point. But I simply would raise this point for the benefit of Senator Hawkinson and others who may be interested in this issue.

PRESIDENT ROCK:

Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. I think I was going to raise that question. For legislative purposes and intent, it is our understanding that this bill does not require a municipality to inspect or to qualify in any way any of the shoring provisions of this -- of this Act, or I think it's Section P of the Federal Act. Is that correct? Get it on the record. Oh...

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PRESIDENT ROCK:

I'm sorry. Senator Geo-Karis, to respond to Senator Butler's question.

SENATOR GEO-KARIS:

You are correct, sir.

PRESIDENT ROCK:

Thank you. Senator Geo-Karis. Senator Butler, further discussion? Okay. Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I stand in support of this legislation. I -- I really think there's a little bit of a witch hunt going on around here at this time. This bill has been so watered down that I don't see what -- what harm it is for anything. It basically just says that if the city sees something they think is unsafe, they can contact OSHA if they desire to, and OSHA will come out and inspect. I don't see anything wrong with that. I think it's a good bill, and I ask for its support.

PRESIDENT ROCK:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. Will the Lady yield to a question?

PRESIDENT ROCK:

Indicates she will yield, Senator Lechowicz.

SENATOR LECHOWICZ:

Senator Geo-Karis, did I hear correctly that home rule units are not included in this bill now?

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

It does not apply to home rule. Yes, sir.

PRESIDENT ROCK:

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Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, I was just going to point out that the Municipal League and Cook County and Chicago and County Engineers are against the bill, but I guess it doesn't make any difference.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis, to close.

SENATOR GEO-KARIS:

I would appreciate a favorable roll call vote, because we've had people killed in -- in trenches that were not properly shored, and it's a permissive bill, and it does not apply to home rule. And the -- the reclamation district of the Chicago Sanitary District has not opposed my present amendment.

PRESIDENT ROCK:

Question is, shall House Bill 1852 pass. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 34 Ayes, 18 Nays, none <sic> (2) voting Present. House Bill 1852, having received the required constitutional majority, is declared passed. Senator Leverenz, on 2714. Read the bill, please. 2714, Madam Secretary, on the Order of House Bills 3rd Reading.

SECRETARY HAWKER:

House Bill 2714.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Leverenz.

SENATOR LEVERENZ:

Thank you, Mr. President. House Bill 2714, as I discussed two days ago, would really eliminate the three-month lapse period that

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the State has, and replaces it with a budgetary practices with a modified accrual basis for accounting. I distributed to each Member's office a memorandum from Don Templeton <sic> (Templeman) at the Auditor General's Office and also from Mr. Nowlan with the Illinois Taxpayers' Federation. I -- answer any questions that you might have, and ask for your Aye vote to pass the bill.

PRESIDENT ROCK:

Gentleman has moved passage of House Bill 2714. Discussion?
Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator DeAngelis.

SENATOR DeANGELIS:

Senator Leverenz, what is the fiscal impact of this action...

PRESIDENT ROCK:

Senator...

SENATOR DeANGELIS:

...if passed and signed?

PRESIDENT ROCK:

Senator Leverenz.

SENATOR LEVERENZ:

Well, there isn't a fiscal note, but I'm sure we would have some costs in perhaps redoing computers, and agencies would simply not have a direct impact, unless you want to call it, that they cannot buy and order things that they have been doing for the last good number of years. This would have the effect of eliminating what is now practiced in the State of Illinois, specifically having fifteen months' worth of expenses with twelve months' worth of income.

PRESIDENT ROCK:

Senator DeAngelis.

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SENATOR DeANGELIS:

Well, just for the record, the fiscal note indicates a cost of 9.3 million dollars. Let me also, for the record, clear up - Illinois is on general accepted accounting principles. What you're trying to do is go on a different system of general accounting -- accepted accounting principles. I see no need for doing this. In fact, I don't see any benefit from this at all, because accounting systems, contrary to popular belief, record history. If you're talking about doing things better in the future, let's get the better forecasting systems, let's get the better systems of appropriations. This does absolutely nothing for that particular problem, except changes us from a cash system to a modified accrual. Big deal.

PRESIDENT ROCK:

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, Ladies and Gentlemen of the Senate. I would speak in behalf of the bill. We just did this on one of my bills for community colleges so as to set up a general accounting practice so that indeed -- you know, that we are no longer comparing apples and oranges, and everything would be on an equal footing and when we would really know where the money is, where it can be spent, what is coming in. And I think we would be talking in real figures, as opposed to sometimes the projected figures that some of our agencies come up with when we deal here with bills and would marvel at some of the -- the price tags that are put on some of these proposals. And they're oftentimes in conflict. They don't know any better than anybody else does. I think this type of bill would lend itself toward stopping that type of thing. It would also probably lend itself toward stopping the abuse that goes on, not necessarily through malice or forethought, but just because of sloppiness in the way the system

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now -- now conducts itself. It is a non-system, and really, it's about time that we went onto general accounting, where we could kind of dictate and predict exactly what's going on in this State, and maybe then we could pay our bills on time.

PRESIDENT ROCK:

Question is, shall House Bill 2714 pass. Those in favor, vote Aye. Opposed, vote Nay, and the voting's open. All voted who wish? All voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 23 Nays, none voting Present. House Bill 2714, having received the required constitutional majority, is declared passed. Senator DeAngelis, for what purpose do you arise?

SENATOR DeANGELIS:

Verification, Mr. President.

PRESIDENT ROCK:

That request is in order. Senator DeAngelis has requested a verification. Will the Members please be in their seats. I'd ask the staff to take the conferences off the Floor. Madam Secretary, please read the affirmative roll.

SECRETARY HAWKER:

The following Members voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, Cullerton, del Valle, Demuzio, Di Turi, Dudycz, Thomas Dunn, Hall, Hawkinson, Holmberg, Jacobs, Jones, Joyce, Kelly, Leverenz, Luft, Marovitz, O'Daniel, Palmer, Rea, Savickas, Severns, Smith, Topinka, Vadalabene, Welch and Mr. President.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Senator -- Senator Brookins.

PRESIDENT ROCK:

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Senator Brookins on the Floor? Senator Brookins on the Floor?
He is indeed - in the center aisle.

SENATOR DeANGELIS:

Senator Luft.

PRESIDENT ROCK:

Senator Luft. Senator Luft on the Floor? Senator Luft on the
Floor? Strike his name.

SENATOR DeANGELIS:

Senator Savickas.

PRESIDENT ROCK:

Senator Savickas. Is Senator Savickas on the Floor? Senator
Savickas on the Floor? Strike his name, Madam Secretary.
Question the presence of any other Member? Senator Luft has
rejoined us.

SENATOR DeANGELIS:

Senator Dudycz.

PRESIDENT ROCK:

Senator Dudycz on the Floor? Senator Dudycz on the Floor?
Senator Dudycz on the Floor? Strike his name. All right. The
roll has been verified. On that question, there are 29 Ayes, 23
Nays, none voting Present. House Bill 2714, having failed to
receive the required constitutional majority, is declared lost.
3050. Senator Jones. All right. Ladies and Gentlemen, the Chair
has been admonished by some from both sides of the aisle that we
-- these are Consideration Postponed bills, and in the past we
have not engaged in lengthy debates. So I would ask both the
sponsor and the opponent to remember that. These bills have not
gotten any better, they tell me. Senator -- Read the bill, Madam
Secretary.

SECRETARY HAWKER:

House Bill 3050.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. Your message is well-taken. I ask for a favorable vote. But what this bill does -- I believe all the problems have been cleared up as it relate to the bill. And upon the cancellation of an insurance contract, the returned premium must be mailed to the finance company within sixty days, rather than thirty. And that a premium finance agreement can be signed on behalf of the insured, just so long as the insured is notified prior to the first premium date. I believe the misconceptions have been cleared up, and I ask for a favorable vote.

PRESIDENT ROCK:

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I have opposed this bill in the past, because I oppose the general idea of someone signing a premium finance contract other than the insured themselves. It's been pointed out to me that most of this business has to do with mandatory auto insurance, where many times brokers and agents in Chicago never, in fact, actually see the people that are applying for the coverage. And there is a provision in the -- they never see them because of the inconvenience of going into the office and that sort of thing. And there is a provision in the bill that indicates that the premium finance company must provide to the insured a specific copy of the contract before the first premium payment is due. And under those circumstances, I'm going to withdraw my support and will be supporting this -- or withdraw my opposition and will be supporting the bill.

PRESIDENT ROCK:

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Question is, shall House Bill 3050 pass. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, 1 Nay, none voting Present. House Bill 3050, having received the required constitutional majority, is declared passed.

END OF TAPE

TAPE 4

PRESIDENT ROCK:

3519. Senator Jones. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

House Bill 3519.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. House Bill 3519 creates the Environmental Health Practitioner Registration Act, and it sets out the procedure for those persons to be qualified as such. It also has the exemption in there whereby those persons who work for local units of government will have to pay their own licensing fee. And the bill that we passed was going to conference committee, which was 3188, as it relates to fiscal impact. That bill should take care of any fiscal impact of any legislation, and I ask for a favorable vote.

PRESIDENT ROCK:

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Discussion? If not, the question is, shall House Bill 3519 pass. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 22 Nays, none voting Present. House Bill 3519, having received the required constitutional majority, is declared passed. Senator Davidson, on 3598. Madam Secretary, on the Order of House Bills 3rd Reading, is House Bill 3598. Read the bill, please.

SECRETARY HAWKER:

House Bill 3598.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, the controversy that was on this bill - Amendment No. 2, about the special license plates for veterans - has been removed. I put it on Recall and tabled that amendment yesterday. I'd appreciate a favorable roll call.

PRESIDENT ROCK:

Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. Apparently House Bill 3598 -- in allowing the Secretary of State to accept the credit cards, we are also allowing him to apparently set up his own account. This is a departure from all -- all of the other previous practices that we utilize in State Government. The State Treasurer feels that this is an intrusion on his constitutional responsibility, and I would rise in opposition.

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PRESIDENT ROCK:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. My understanding is, what the Secretary of State is doing is he wants to accept credit and debit cards for payments of any fee due his office. My son happens to be an attorney. He periodically needs things from the Secretary of State. In order to keep track of the kinds of bills that he has to bill his clients for, he likes to put it on a credit card, so that he can have proof, in effect, that he did pay for this document. I think this is a good idea. The Bar Association seems to like the idea. I think we ought to go ahead with it.

PRESIDENT ROCK:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I, too, rise in support of this bill. We just passed a similar bill that allows the -- I believe, the Circuit Court Clerk of Cook County to use credit cards. And I think there are many of us that deal with the Secretary of State's Office in our other lives, and frankly, it's -- it's convenient to be able to use a credit card. I think the Treasurer's concerns are premature and out of line. I -- I've been apprised by the Secretary of State, in their request for proposals while they're working on this, they have specifically in -- in -- in their -- in, you know, the first outline, said that the -- to the bidders to get involved in this, that the account has to be designated by the Illinois State Treasurer. I -- I think this is perfectly in order. The Secretary of State is not trying to usurp any power of the Treasurer. Think he's trying to provide a convenient service for the people of the State of Illinois.

PRESIDENT ROCK:

Further discussion? Senator Dunn.

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SENATOR T. DUNN:

Thank you, Mr. President. Question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he'll yield, Senator Dunn.

SENATOR T. DUNN:

Senator Davidson, would you tell me who pays the credit card charge?

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

In the bill, which was explained yesterday when we adopted this amendment, none of the credit card charge goes against the Secretary of State, so therefore, there's no discount for doing the credit card. And other than that, the Secretary of State doesn't pay it. Who pays it? I can't answer that. Wait just a second.

PRESIDENT ROCK:

Senator Dunn.

SENATOR DAVIDSON:

Excuse me...

PRESIDENT ROCK:

Oh! Senator Davidson.

SENATOR DAVIDSON:

From the expert from the Secretary of State, the consumer pays the charge.

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Well, Senator Davidson, aren't those fees statutorily set, and wouldn't we have to change those statutory fees in order to charge them more than the Statute provides then?

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Senator Davidson.

SENATOR DAVIDSON:

According to the gentleman: For example, if you're going to put your license plate, which is forty-eight dollars, on a credit card, it would probably be fifty dollars. The consumer would be aware that he's paying that additional charge - credit charge -- be made aware when he does it.

PRESIDENT ROCK:

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Well, just briefly, Mr. President, Members of the Senate. The issue here is real simple. It -- it's not whether or not they're -- we should allow the use of the credit cards. The question here and the fight here is between the Secretary of State and the Treasurer. The Treasurer says it's more efficient to centralize the bidding and the selection of the credit card processors -- or the check processors in the Treasurer's Office. The Secretary of State says he wants to do it. That's what the fight's all about. You get to vote -- it's a lot of fun. You get to vote for either the Secretary of State or the Treasurer. It's like a popularity contest.

PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Simply to make the point that it's my understanding that the Secretary of State has been doing a limited program of this kind for several years, contemplating doing more of it, and that this bill is a recommendation of the Auditor General's Office, as a way to do it properly and legally. I think we should sustain this action to allow the Secretary of State to do this in a proper manner.

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All right. Senator Davidson, to close.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, the statement about the Secretary of State's going to open a bank account is absolutely incorrect. I have before me a letter from Secretary of State. No bank account will be established by the Secretary of State. Transactions converted to cash only when they are deposited in the Treasurer's bank account. More is -- presently, already in operation using credit cards, are other State agencies, such as -- the Department of Agriculture, Illinois Commerce Commission, the Lottery, accept credit cards as form of payment, with programs identical to that of the Secretary of State. And there's no violation of Statute, because the Treasurer's Office should receive monies in the form of checks, drafts, similar instruments shall be properly endorsed, while credit cards or debit cards are not any one of those three. This is a good bill. It's a recommendation from the Auditor General's Office. I'd appreciate a favorable roll call.

PRESIDENT ROCK:

Question is, shall House Bill 3598 pass. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 19 Nays, 3 voting Present. House Bill 3598, having received the required constitutional majority, declared passed. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 1449 offered by Senator Topinka.

Senate Resolution 1450 offered by Senator Topinka.

And Senate Resolution 1451 offered by Senator Butler.

They are all congratulatory.

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PRESIDENT ROCK:

Consent Calendar.

SECRETARY HAWKER:

And Senate Joint Resolution 179 offered by Senators Berman and Maitland.

It is substantive.

PRESIDENT ROCK:

All right. With leave of the Body, we will ask that that be placed on the Order of Secretary's Desk, Resolutions. It does not appear the committee is going to meet. And this is, as I understand it, a change in a reporting date? Yeah. All right. Leave of the Body, we'll put it on -- ask that it be placed on the Order of Secretary's Desk, Resolutions. Ladies and Gentlemen, they are distributing, or will be shortly distributing, a memorandum with respect to final action on amended bills and conference committee procedures. We will shortly be adjourning for the day, and will reconvene here tomorrow at 11:00. Senator Kelly will be announcing the meeting of his committee. And when we convene tomorrow, we will be starting on the Order of Secretary's Desk, Concurrence, with respect to those bills that have been ruled exempt and have been sent back here with House amendments. The procedure is outlined. For those who wish to non-concur and go to conference, we can handle that with dispatch. For those who wish to concur in House amendments, obviously that is final action and will take a little longer. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President, am I in order to table a bill?

PRESIDENT ROCK:

At all times.

SENATOR GEO-KARIS:

I'd like to table Senate Bill 1970, after concurring with

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Senator Berman, and ask that it be returned to the Education Committee with an exempt status.

PRESIDENT ROCK:

All right. The Lady has moved -- the Lady has moved to table Senate Bill 1970. Is that the motion? Senator Geo-Karis.

SENATOR GEO-KARIS:

To table Senate Bill 1970 and recommit it to the Education Committee...

PRESIDENT ROCK:

No - no - no - no. You table it or you don't table it.

SENATOR GEO-KARIS:

Wait a minute. Then I better change my motion, I think.

PRESIDENT ROCK:

Well, then we better hold the motion. Then the motion's out of order.

SENATOR GEO-KARIS:

Can I recommit it?

PRESIDENT ROCK:

No.

SENATOR GEO-KARIS:

God, you're being stubborn today.

PRESIDENT ROCK:

It's the twenty-fifth day of June. What? Recommit? Senator Collins, for what purpose do you arise?

SENATOR COLLINS:

Yes. For the purpose of spreading a little cheer. The Capitol Plaza Hotel, in the Commonplace Restaurant, owned by an African-American couple - and the hotel, another minority couple - is having a hospitality pool party tonight and inviting all the Members of the Legislature. It starts at 7:00 p.m. and it will go until... So let's have some fun before we kill each other.

PRESIDENT ROCK:

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Senator Kelly. Senator Kelly, for what purpose do you arise?

SENATOR KELLY:

Mr. President, to make an announcement of a committee hearing. The Senate Committee on Executive Appointments and Veterans' Affairs will meet at nine o'clock sharp tomorrow in Room 212. Appreciate your being there promptly so we can get our work done early.

PRESIDENT ROCK:

All right. We have a number of the Governor's appointments to be confirmed tomorrow at nine o'clock in the morning. All of you who are Members of the Executive Appointments Committee, nine o'clock in Room 212. Senator DeAngelis, for what purpose do you arise?

SENATOR DeANGELIS:

I've been advised that Senator Earlean Maitland would like to be added on as a hyphenated sponsor to the Minority Caucus Party tonight.

PRESIDENT ROCK:

Without objection, I'm sure. All right. Ladies and Gentlemen, before we adjourn -- and we will stand adjourned until eleven o'clock tomorrow morning, at which point we will go to the Order of Secretary's Desk, Concurrence, and start the paper flow back and forth. And with respect to the paper flow, Senator Philip and I discussed earlier the schedule for the weekend, which I'm sure is of concern to all of us. It is the current plan that we will be here for a brief time on Saturday morning to again ensure the paper flow back and forth between the House and the Senate, and deal with what -- that which we have to deal with, and then come back late on Sunday for the same purpose, and begin anew on Monday morning early, and hopefully conclude our business between Monday and Tuesday. So we will, indeed, be in Session on both Saturday and Sunday. Saturday, it will be early. Sunday, it

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will be late. So those who can make travel arrangements, you're certainly welcome to do that. Any further business? Anybody have anything for the good of the order? If not, Senator Vadalabene moves that the Senate stand adjourned till Friday, June 26. Tomorrow morning, Ladies and Gentlemen, at the hour of eleven o'clock. Eleven o'clock a.m. Don't forget the committee at nine. Eleven o'clock tomorrow morning. Senate stands adjourned.

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