

STATE OF ILLINOIS
87th GENERAL ASSEMBLY
REGULAR SESSION
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129th Legislative Day

June 29, 1992

PRESIDENT ROCK:

The hour of nine-thirty having arrived, the Senate will please come to order. Will the Members be at their desks, and will our guests in the gallery please rise. Our prayer this morning by Dr. Patrick Pajak, Tabernacle Baptist Church, Decatur, Illinois. Reverend.

DR. PATRICK PAJAK:

(Prayer given by Dr. Patrick Pajak)

PRESIDENT ROCK:

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

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that reading and approval of the Journals on Monday, June 22nd; Tuesday, June 23rd; Wednesday, June 24th; Thursday, June 25th; Friday, June 26th; Saturday, June 27th; and Sunday, June 28th, in the year 1992, be postponed, pending arrival of the printed Journals.

PRESIDENT ROCK:

You've heard the motion as placed by Senator Hall. Is there 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 refused to concur with the Senate in the adoption of their amendments to a bill of the following title, to wit:

House Bill 3315, together with Senate Amendment No.

1.

I have like Messages on:

House Bill 3746 with Senate Amendments 1 and 2;

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House Bill 3986 with Senate Amendment 1;

House Bill 4025 with Senate Amendment 1.

All non-concurred in by the House, June 28, 1992.

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 refused to recede from their Amendment No. 1 to a bill of the following title, to wit:

Senate Bill 216.

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference to consider the differences of the two Houses in regards to their amendments to the bill.

Action taken by the House, June 27, 1992.

I have like Messages on the following Senate Bills: 216, 837, 969, 1508, 1516, 1518, 1554, 1606, 1615, 1650, 1662, 1665, 1717, 1736, 1768, 1771, 1783, 1796, 1803, 1823, 1831, 1889, 1903, 1904, 1923, 1931, 1988, 2048, 2049, 2068, 2075, 2093, 2097, 2138, 2159 and 2176.

All -- action taken by the House on all those bills on June 27, 1992.

PRESIDENT ROCK:

Secretary's Desk. Senator Vadalabene will move that the Senate accede to the request of the House for the formation of those conference committees. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and the Senate does accede to the request of the House. Resolutions.

SECRETARY HAWKER:

Senate Resolution 1462 offered by Senator Watson.

It is congratulatory.

PRESIDENT ROCK:

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

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SENATOR HUDSON:

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

PRESIDENT ROCK:

State your point, please.

SENATOR HUDSON:

In the President's -- President's Gallery, to my right, I have two constituents and good friends of mine, Mr. and Mrs. Mel Schmidt. Mel Schmidt and his wife, Annadora. Mel is a pilot with American Airlines, and they're down here to see how we -- how we do things down here today.

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 will begin on page 19 on the Calendar, and move through the Order of Secretary's Desk, Concurrence, handling those bills that have been ruled exempt. And then we will move to the Order of Secretary's Desk, Non-concurrence. And then there is a Supplemental Calendar No. 1, also containing matters on the Secretary's Desk on the Order of Non-concurrence. Then, it seems to me, we will probably be in a position to recess for some lunch and the meetings of the respective conference committees. So if we can move through this Calendar, we should be in a position to recess in about an hour. And then there will be -- I am told there are a couple of Members who have requested that those bills on House Bills 3rd Reading will be called back for purposes of an amendment. There are at least two that I am aware of - 2758 and 4037. The Chair has been informed that those sponsors have indicated their wish to call those bills back for amendment. All right. We will attempt, at least, to begin on the Order of Secretary's Desk, Concurrence. Then we will move to Secretary's Desk, Non-concurrence, on both the regular and the Supplemental

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Calendar, and then we will take a recess. And when we come back, I assume that those who have indicated that they might be ready to recall, will be in a position to recall, and we will certainly get to page 27, the Order of Motions in Writing. The Motions in Writing will be after the recess. Page 19. Senate Bill 400. With leave, we'll get back to that. I'll get off the Podium and take that one in a minute. Senator Topinka. We're on page 20, Ladies and Gentlemen, on the Order of Secretary's Desk, Concurrence, handling those bills that have been ruled exempt. All right. If I can have your attention, Ladies and Gentlemen, WAND-TV has requested permission to shoot some videotape, as has WMAQ-TV. Without objection, leave is granted. We're on page 20 on the Calendar, Ladies and Gentlemen. We're trying to move through Secretary's Desk, Concurrence. So I'd ask those Members within the sound of my voice, who are not present on the Floor - Senators Cullerton, Macdonald, Leverenz, Jones - to please join us. On the Order of Secretary's Desk, Concurrence, is Senate Bill 1490, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1490.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes. I would ask that we non-concur in Amendment No. 1, and ask for a conference committee.

PRESIDENT ROCK:

Senator Topinka has moved to non-concur in House Amendment No. 1 to Senate Bill 1490. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. 1567. Senator Cullerton. 1635. Senator Macdonald. Top of page 21. 1667. Senator Leverenz. 1713. Senator Philip. 1769. Senator Jones. Madam

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Secretary, please. 1769.

SECRETARY HAWKER:

House Amendments 1, 2, 3, 4, 7, 8 and 9 to Senate Bill 1769.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. I move that the Senate non-concur with House Amendments No. 2, 3, 4, 7, 8 and 9.

PRESIDENT ROCK:

All right. Senator Jones has moved that the Senate non-concur with House Amendments 1, 2, 3, 4, 7, 8 and 9 to Senate Bill 1769. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries. The Secretary shall so inform the House. Senator Lechowicz. Madam Secretary, middle of page 21 is Senate Bill 1770.

SECRETARY HAWKER:

House Amendments 1 and 2 to Senate Bill 1770.

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move that we do concur in House Amendments 1 and 2 to Senate Bill 1770. As you know, when this bill passed the Senate, it was for the early retirement program for Cook County employees. Basically, it creates an early retirement incentive for members of the Cook County Retirement System. It provides that the people who have worked for the County a minimum of at least ten years would be eligible under the provisions of this bill. There is no cost at all to the State of Illinois, or its pension fund. This is totally funded by the Cook County Pension Fund, and they know of no objection. Ask for your help.

PRESIDENT ROCK:

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All right. The Gentleman has moved concurrence in House Amendments 1 and 2 to Senate Bill 1770. This will be final action. Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, go ahead. Take him first.

PRESIDENT ROCK:

Senator Madigan.

SENATOR MADIGAN:

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

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Madigan.

SENATOR MADIGAN:

Senator Lechowicz, does this bill exempt the State Mandates Act?

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

Yes, it does. It's -- basically, this is funded totally by the Cook County Retirement System. Basically, according to the Illinois Economic and Fiscal Commission, there are approximately twenty-four hundred eligible employees. The cost is thirty percent of utilization. It increases the accrued liability of sixty-four million at forty percent utilization. Cook County is estimating a savings of the implementation of this bill is ten million dollars.

PRESIDENT ROCK:

Further discussion? Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senator, could you point out to me in what part of the bill the State Mandates Act is exempted?

PRESIDENT ROCK:

Senator Lechowicz.

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SENATOR LECHOWICZ:

Did you ask me what part of the bill is the State Mandates Act exempted? Basically, it's understood that the funding of this pension fund has -- doesn't receive one penny of State money currently. Nor do we anticipate ever asking for one penny of State funding. So it would not be included, as far as a State mandate.

PRESIDENT ROCK:

Senator Madigan.

SENATOR MADIGAN:

Thank you. Senator, I wish to apologize, but I believe that the State Mandates Act has to be specifically exempted in the bill, or the language has to be specifically there in order for the State Mandates Act to be exempted. And I don't want to belabor this point, but I believe that we should be opposed to this, at least on this side of the aisle, at this point.

PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Well, I rise to reinforce the position made by the last speaker. I understand, Senator, that -- that Cook County pays for these benefits, and that they have no intention of coming back to the State for reimbursement. The problem is that this Legislature passes the benefits, and it has been traditional -- I'm sure you can check this with Senator Jones -- it has been traditional for City of Chicago pension funds, other local pension funds, that the State Mandates exemption has been attached to the bills. And I think if you would do that, Senator, there'd be no objection to what you have in mind.

PRESIDENT ROCK:

Further discussion? Senator Jones.

SENATOR JONES:

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Yes. Thank you, Mr. President. In response to the Mandates Act, this is a permissive program; it is not mandating that the employees take the early retirement. And so therefore, it is -- it is no cost to the State. However, there are some -- I know some concerns I do have, as I discussed with the sponsor of the bill, as relate to the health care benefits of the annuitants, especially those who have to pay fifty percent. But it is no cost to the State, and those employees who -- who decide to participate do so on a voluntary basis. And on that voluntary basis, we are not mandating at the State level. So it's for that reason that I have no problem with the bill.

PRESIDENT ROCK:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. As a resident of Cook County, I stand in support of this bill. Hopefully - hopefully - the County Board President will realize the savings and not spend it elsewhere.

PRESIDENT ROCK:

Further discussion? Senator Lechowicz, to close.

SENATOR LECHOWICZ:

Thank you, Mr. President. I share the concern as far as the State Mandates provisions, but in reality, this is a -- participating action by the employees who fulfill the obligation of having at least ten years of service and fifty-five years of age. There is not one penny of State funds. There is not one penny as far as mandating to the State Treasury. This is a self-sustaining pension fund paid for by the employees of Cook County, and we're asking for the same opportunity and privilege that saved the State a good number of -- millions of dollars, when forty-five hundred State employees applied and took an early retirement program. We're facing the same type of difficult

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financial conditions as the State is. We're hoping that an early retirement program, as was pointed out by the Economic and Fiscal Commission, would generate a ten-million-dollar savings for the residents and taxpayers of Cook County. Ladies and Gentlemen, believe me, I would really appreciate your help and support. There is not one penny of State funds. This is strictly all local Cook County taxpayers' employees' funds in this fund. And it's a good program. We took -- we modeled it after the State. Hopefully, it will generate a tremendous savings for us. I'd appreciate an Aye vote.

PRESIDENT ROCK:

Question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 1770. 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 39 Ayes, 15 Nays, 3 voting Present. The Senate does concur in House Amendments 1 and 2 to Senate Bill 1770. And the bill, having received the required constitutional majority, is declared passed. 1773. Senator Dunn. Madam Secretary, please.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1773.

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I move to concur in House Amendment No. 1. This amendment would make a effective date of January 1st, 1993, and is at the request of CMS, and I agree with it.

PRESIDENT ROCK:

Discussion? Discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1773. Those in favor will vote Aye. Opposed, vote Nay. And the voting is

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open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 1773. And the bill, having received the required constitutional majority, is declared passed. 1909. Senator Madigan. Madam Secretary, please.

SECRETARY HAWKER:

House Amendments 1, 2 and 3 to Senate Bill 1909.

PRESIDENT ROCK:

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. I would move that the Senate non-concur with House Amendments 1, 2 and 3, and that a conference committee be appointed.

PRESIDENT ROCK:

Senator Madigan has moved to non-concur in House Amendments 1, 2, and 3 to Senate Bill 1909. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. 1912. Senator Madigan. 1939. Senator Demuzio. 1979. Senator Hawkinson. Madam Secretary, please. Senate Bill 1979.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1979.

PRESIDENT ROCK:

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This bill, when it passed the Senate, dealt with a special service of process. We've since dealt with that bill on a bill sponsored by Senator Alexander and passed by this Body. The House put an amendment on the bill, which provides that if the Illinois Supreme Court or the Illinois Appellate Court, in a ruling on a case from the Circuit Court,

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remands the case for further proceedings in the Circuit Court, that no new filing fee be required of the parties, and that the case, upon remand, be given the same number that it had the first time in the Circuit Court. We've -- the clerks have indicated no apparent opposition to this. We're talking about a problem that has developed, particularly in Cook County, where, upon remand from the Appellate Court or the Supreme Court, with the vast volume of cases that are there, sometimes a different number is assigned, and it's been difficult to track the cases. I'd be happy to try and answer any questions; otherwise, I would ask that the Senate concur in the House amendment to Senate Bill 1979.

PRESIDENT ROCK:

All right. The Gentleman has moved concurrence in Amendment No. -- Senate Amendment -- House Amendment No. 1 to Senate Bill 1979. Discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1979. 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 57 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 1979. And the bill, having received the required constitutional majority, is declared passed. 1986. Senator Welch. 1992. Senator del Valle. 2057. Senator Rea. Madam Secretary. We're at the top of page 22, Ladies and Gentlemen. On the Order of Secretary's Desk, Concurrence, is Senate Bill 2057, Madam Secretary.

SECRETARY HAWKER:

House Amendments 1 and 2 to Senate Bill 2057.

PRESIDENT ROCK:

Senator Rea.

SENATOR REA:

Thank you, Mr. President. On Senate Bill 2057, I would move

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for non-concurrence on House Amendments 1 and 2.

PRESIDENT ROCK:

Senator Rea has moved to non-concur in House Amendments 1 and 2 to Senate Bill 2057. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries. The Secretary shall so inform the House. 2100. Senator Luft. Madam Secretary, please.

SECRETARY HAWKER:

House Amendments 1, 2, 3 and 4 to Senate Bill 2100.

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

Thank you -- thank you, Mr. -- President. I would move that the Senate non-concur in House Amendments 1, 2, 3 and 4.

PRESIDENT ROCK:

Senator Luft has moved that the Senate non-concur in House Amendments 1, 2, 3 and 4 to Senate Bill 2100. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. 2119. Senator Barkhausen. Madam Secretary, please.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 2119.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, I ask concurrence in the House amendment on Senate Bill 2119. This represents a compromise on this issue where we're extending some limited liability protections to accountants, and we had removed from the bill over in the House one of the three provisions that -- that had been in the bill. And I ask your concurrence.

PRESIDENT ROCK:

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The Gentleman has moved concurrence in House Amendment No. 1 to Senate Bill 2119. Is there discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2119. Those in favor will vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The Senate does concur with House Amendment No. 1 to Senate Bill 2119. And the bill, having received the required constitutional majority, is declared passed. 2154. Senator Barkhausen. Madam Secretary, please.

SECRETARY HAWKER:

House Amendments 1, 2 and 4 to Senate Bill 2154.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 2154 is the Streetgang Terrorism Omnibus Prevention Act, recommended to us this Session by the Department of State Police. The House suggests three amendments. The first would create a Statewide organized gang database. The second is stylistic, and then Amendment No. 4 changes somewhat the definition of a gang to bring it, they say, into conformity with some of the other definitions of gangs in our Statutes, changing from two to three the number -- the minimum number of persons that would have to act in concert in order to come under the provisions of this Act. I urge the adoption of all amendments, and final passage.

PRESIDENT ROCK:

All right. The Gentleman has moved the concurrence in Amendments 1, 2 and 4 to Senate Bill 2154. Discussion? Senator Collins.

SENATOR COLLINS:

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

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please.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Collins.

SENATOR COLLINS:

Could you give me -- could you just read the definition - because I don't have the bill here in front of me - on Amendment No. 4 - the definition of a gang?

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

I don't have the full definition in front of me at this moment, Senator Collins. I -- I can only repeat what I said a moment ago; that the definition has been tightened up somewhat and was actually a suggestion of - or at least is supported by - the Civil Liberties Union. And it -- it -- as I say, it increases the minimum number of persons from two to three that would form a gang or part of a gang.

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

But, Senator, it doesn't tell me anything, because that could be three Boy Scouts from two.

PRESIDENT ROCK:

If I can have your attention, Nancy Stone from the Chicago Tribune has requested permission to shoot some photographs. Without objection, leave it granted. Senator Collins.

SENATOR COLLINS:

If you'd just take it out of the record for a minute and -- could you do that?

PRESIDENT ROCK:

He does not -- he indicates he does not wish to take it out of the record. Senator Barkhausen.

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SENATOR BARKHAUSEN:

Mr. President and Members, we had a full debate before as to what this definition should be, and as I represented to you, we have tightened the definition up somewhat by -- by going from a minimum number of two people to at least three or more persons that would have to be engaged in future illegal activity in order to -- to enable any public authority to seek to assert the civil remedies that are provided in this bill.

PRESIDENT ROCK:

All right. Any further discussion? 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, what is meant by future criminal activities, and what -- what do we mean by "future"?

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

I assume, Senator, that means taking place after the effective date of the Act.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

So in other words, you do not have to be engaged in a known criminal activity, or have in the past been known -- been engaged in a known criminal activity, to be charged with a crime under your bill?

PRESIDENT ROCK:

Senator Barkhausen.

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SENATOR BARKHAUSEN:

No, I believe you do, Senator, and that activity would have to take place after the effective date of the Act.

PRESIDENT ROCK:

Further discussion? If not, the question is, shall the Senate concur in House Amendments 1, 2 and 4 to Senate Bill 2154. 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? All voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, 4 voting Present. The Senate does concur in House Amendments 1, 2 and 4 to Senate Bill 2154. And the bill, having received the required constitutional majority, is declared passed. 2233. Senator Berman. Oh. Page 22. On the Order of Secretary's Desk, Non-concurrence, is House Bill 2166. Senator Etheredge. 2750. Senator Madigan. 3139. Senator Cullerton. Madam Secretary, in the middle of the page 22... Senator Butler, for what purpose do you arise, sir?

SENATOR BUTLER:

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

PRESIDENT ROCK:

State your point, please.

SENATOR BUTLER:

I'd like to introduce to the Ladies and Gentlemen in the Chamber a very distinguished visitor. He's the Mayor of the City of Prospect Heights, a community of some fifteen thousand, directly north of Chicago. Ladies and Gentlemen, I'd like you to say hello to Mayor Ed Rotchford.

PRESIDENT ROCK:

Mr. Mayor, welcome to Chicago -- Springfield, I mean. 3139. Middle of page 22. On the Order of Secretary's Desk, Non-concurrence, House Bill 3139, Madam Secretary.

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SECRETARY HAWKER:

Senate Amendment No. 2 to House Bill 3139.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. My motion would be to recede from Senate Amendment No. 2. And I have to give some explanation here. This amendment was an -- this amendment was an agreed amendment by myself and Senator Keats. The House had rejected it, and it deals -- Senator Keats - that's correct. This deals with the complicated issue of the judicial subdistricts in Cook County. The bill was originally drafted to correct a situation in Cook County and in Peoria County where there would be a loss in associate judges as a result of the population loss. The bill, with Amendment No. 1, restored the one judgeship in Peoria and restored five associate judges in -- in Cook County. What Senator Keats' amendment did was to say that he did not want to restore those five judgeships in Cook County. He wanted to add five -- he wanted to have five eliminated, but then, by his amendment, create five new ones that would be automatically going into the judicial subdistrict. So upon discussions with some Representatives who -- over in the House who rejected this concept, I -- I move to recede. The effect of receding, of course, would be final passage, and the ultimate result would be that we would save five judicial -- we would save five associate judges in Chicago, who would be eligible for election in the next election for -- in the judicial subdistricts. If we don't pass the bill, Cook County will lose five of those associate judgeships, and there'll be five fewer people available to filter into the judicial subdistricts. So for that reason, I would ask to recede from the amendment. I know that this is not an agreement, because Senator Keats and I have talked about it, but I

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wanted to try to explain it as best I can, even though it's confusing, and ask for an Aye vote.

PRESIDENT ROCK:

All right. The Gentleman has moved that the Senate recede from Senate Amendment No. 2. Discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I appreciate Senator Cullerton's remarks, and most of what he said was accurate, except that he somehow feels that we are doing something, when perhaps that is not accurate. The reason I don't want to recede is because when this bill came up originally, Cook County was going to lose five associates, and the Peoria circuit, which is really six counties, was going to lose one. Now the original bill was to allow the Peoria circuit to keep it's one bill <sic>. Representative Homer in the House was nice enough to allow an amendment to be added to take care of the Cook County problem. I've met with Representative Homer, as Senator Cullerton has, and we have assured him we have no trouble with what's going on in Peoria. With or without this amendment, we will keep the Peoria judge. The difference, or the sixth circuit -- the sixth county judge. The trouble in Cook County is that the Speaker of the House wants to go back on the agreement with the Black Caucus and Hispanic Members of the Legislature that was reached several years ago, and that agreement was that in Cook County, any judicial changes would go to the subcircuits. Well, the Speaker has decided he -- that because in the last elections, frankly, some independent black and Hispanic judges were elected from the subcircuit, instead of some machine stooges who he was supporting. And for that reason, he doesn't want any more independent black and Hispanic judges, and doesn't want these judgeships to go out to the subcircuits. The agreement was - and the Speaker and his people do not even deny that the agreement was - any of these

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changes would put the judgeships out in the subcircuits. No one in Cook County wants to lose five associate judges. We all agree we'd like to keep them. It is the Speaker, because he wants to welch on the deal that he made with the Black Caucus two years ago. He's now saying, "I know I made a deal, but the heck with you guys. I think I've got the votes to do what I want anyway. So I'm not going to live up to the agreement." And so he is saying that what we will do is, "These five judges will either be done away with, or you let me keep them under my control." All he needs to do, is say, "Well, fine, we'll put them in the subcircuits, just as I agreed with the Black and Hispanic Caucus to do." He gets to keep the five judges, just as he agreed to do. If he were not welching on the agreement he had with his own Members from Cook County, from two years ago, there would be no problem and this would be a 59 to nothing vote. But the Speaker, for some reason, just wants to remind us that he's so powerful that he doesn't have to live up to agreements that he made with his own Members. So you're aware, this bill barely got out of the House, had significant opposition from the Black Caucus and Republican Members. And I would hope here that we would ask the Speaker, in a friendly tone to say, "Gee, Mr. Speaker, would you please live up to the agreement you made with us two years ago? And we'll be more than happy to work with you and however you would like to do it, as long as you accept the agreement you made, and we accepted in good faith." So at the moment, I would ask you to not recede, and at that point we would then come back with an attempt that I believe the Speaker would then eventually have to go along with to keep those five judges. Because most of us who are not attorneys won't be under the pressure the Speaker will be under, to make sure we don't lose these five judges. He's playing gamesmanship. I'll give him credit. He's right at the brink, and he just wants to see whether we have the nerve to stand at the

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brink with him. I regret the fact that we must demean the process and behave like little children, but the Speaker chooses it and leaves us no option. I would -- I would ask you not to recede.

PRESIDENT ROCK:

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I've asked the sponsor if he will take this off of the record till we get a chance to get some clarification on what we're doing.

PRESIDENT ROCK:

Senator Cullerton?

SENATOR CULLERTON:

Yes. There certainly is a need for a clarification in light of the last speaker's comments. So I'd be happy to take it out of the record at this time.

PRESIDENT ROCK:

Out of the record, Madam Secretary. 3495. Senator Jacobs. Madam Secretary, please.

SECRETARY HAWKER:

Senate Amendments 1 and 2 to House Bill 3495.

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I ask that we refuse to recede from Senate Amendments 1 and 2, and ask that a committee of conference be appointed.

PRESIDENT ROCK:

Senator Jacobs has moved that the Senate refuse to recede from the adoption of Senate Amendments 1 and 2 to House Bill 3495, and that a conference committee be appointed. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. 3672.

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Senator Fawell. Madam Secretary, please.

SECRETARY HAWKER:

Senate Amendment No. 1 to House Bill 3672.

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

Thank you very much. I would ask to recede from Senate Amendment No. 1. What Senate Amendment did - No. 1 - was, it gave the victim's estate or next of kin the right to file for a claim for a weapon. There seems to be some problems over in the House with this. If we find this is a problem, I'm sure we can deal with it later.

PRESIDENT ROCK:

All right. The Lady has moved that the Senate recede from Senate Amendment No. 1 to House Bill 3672. This is final action. Is there any discussion? If not, the question is, shall the Senate recede from Senate Amendment No. 1 to House Bill 3672. 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? All voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 2, none voting Present. The Senate does recede from Senate Amendment No. 1 to House Bill 3672. And the bill, having received the required constitutional majority, is declared passed. 4049. Senator Berman. Madam Secretary, please.

SECRETARY HAWKER:

Senate Amendment No. 1 to House Bill 4049.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I move that we refuse to recede from Amendment No. 1 -- Senate Amendment No. 1 to House Bill 4049.

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PRESIDENT ROCK:

Senator Berman has moved that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 4049, and that a conference committee be appointed. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. If I can direct your attention to the Supplemental Calendar - that's Senators Marovitz, Jones, Dart and Welch. Senator Butler, for what purpose do you arise, sir?

SENATOR BUTLER:

Thank you, Mr. President. On House Bill 2154, with the board out on this side, I was looking back here and when I reached for the button I inadvertently hit the -- the speak button. So I'd like the record to show that I was in favor of House Bill 2154.

PRESIDENT ROCK:

All right. The record will so reflect, Senator Butler. 3315. Senator Marovitz. Madam Secretary, please. On the Order of Secretary's Desk, Non-concurrence, Ladies and Gentlemen, Supplemental Calendar No. 1, is House Bill 3315, Madam Secretary.

SECRETARY HAWKER:

Senate Amendment No. 1 to House Bill 3315.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President, Members of the Senate. I would move that the Senate refuse to recede from Amendment No. 1, and that a conference committee be appointed.

PRESIDENT ROCK:

Senator Marovitz has moved that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 3315, and that a conference committee be appointed. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The

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motion carries, and the Secretary shall so inform the House.
3746. Senator Jones. Madam Secretary, please.

SECRETARY HAWKER:

Senate Amendments 1 and 2 to House Bill 3746.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. I move that the Senate refuse to recede from Amendments No. 1 and 2, and request a conference committee.

PRESIDENT ROCK:

Senator Jones has moved that the Senate refuse to recede from the adoption of Senate Amendments 1 and 2 to House Bill 3746, and that a conference committee be appointed. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. 3986. Senator Dart. 4025. Senator Welch. Madam Secretary, please.

SECRETARY HAWKER:

Senate Amendment No. 1 to House Bill 4025.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Mr. President, I would refuse to recede from Senate Amendment No. 1 to House Bill 4025, and ask that a conference committee be appointed.

PRESIDENT ROCK:

Senator Welch has moved that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 4025, and that a conference committee be appointed. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House.
Resolutions.

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SECRETARY HAWKER:

Senate Resolution 1463 offered by Senator del Valle.

And Senate Resolution 1464 offered by Senator Cullerton.

They are both congratulatory.

PRESIDENT ROCK:

Consent Calendar.

SECRETARY HAWKER:

And Senate Resolution 1465 offered by Senators Demuzio, Rea and Davidson.

It is substantive.

PRESIDENT ROCK:

Executive. Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

Well, thank you, Mr. President. At some point, I was wondering if we might take up that substantive amendment <sic>, rather than it going to Executive.

PRESIDENT ROCK:

Well, how about if we put it on the Secretary's Desk so -- just people can even see it? Madam Secretary, with leave of the Body, that resolution will be placed on the Secretary's Desk, and I would ask that the next Supplemental Calendar contain that, so that the Members can familiarize themselves with it. Senator DeAngelis, for what purpose do you arise, sir?

SENATOR DeANGELIS:

Thank you, Mr. President. I would like to ask leave of the Body to suspend the rules on Senate Joint Resolution 177. 177. It's on the Consent Calendar -- for immediate consideration, so we can get it over to the House. It's congratulatory.

PRESIDENT ROCK:

SJR 177, a congratulatory resolution. Senator DeAngelis is moving to suspend the rules for the immediate consideration and adoption of Senate Joint Resolution 177. All in favor of the

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Motion to Suspend, indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator DeAngelis now moves the adoption of Senate Joint Resolution 177, a congratulatory resolution. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and the Secretary shall so -- or the resolution is adopted. All right. Ladies and Gentlemen, before we recess for some lunch and to afford Members the opportunity to confer in their conference committees, it's been suggested we go to pages 26 and 27 to deal with the Motions in Writing that concern themselves with whether or not a subject matter ought to be exempted and addressed. The House, as I'm sure you know, took a number of bills off the Interim Study Calendar and ran them back to us in one form or another. And so it's been suggested that we go to this Order. Each of these Motions in Writing will require 30 affirmative votes. For the benefit of all of you who are interested, as am I, we will not deal with House Bill 3275 at this moment. We'll just deal with the other ones. We'll get back to 3275 later.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rea, for what purpose do you arise?

SENATOR REA:

Thank you, Mr. President. I would request that my name be removed from Senate Bill 1071 as principal sponsor, and that Senator Demuzio be placed on as the principal sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard the request. Is leave granted? Leave is granted. So ordered. Page 26, at the bottom. Motions in Writing. House Bill 104. Senator Rea. Madam Secretary.

SECRETARY HAWKER:

I move to waive Rule 5C in relation to House Bill 104, so that it may be considered this Session.

Filed by Senator Rea.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rea.

SENATOR REA:

Thank you, Mr. President. I would move to waive the appropriate rule on House Bill 104, so that it may be considered during this Session.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, I -- I think -- there are a number of lights that have come on. Perhaps if -- as we go through these motions, if the sponsor could give us some idea as to what it does, it probably would expedite the process. Senator Rea.

SENATOR REA:

Okay. This is an amendment -- or a Conference Committee Report that has been on the Calendar for awhile that has been agreed upon, but we just have not called it. In regards to the School Code, amending it, and there is -- most of this is sponsored by Senator Welch, and I would like to yield to Senator Welch at this time to give a description of it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. A number of the provisions of this have already been enacted into law in other bills. The Conference Committee Report, I believe, passed out of the House with something like 116 or 117 votes, and it's been sitting over here for several months. I've already spoken with Senator Maitland about the Conference Committee Report. It affects schools in my district, Senator Jan Joyce's district and Senator Maitland's future district. Senator Maitland was agreeable to supporting the bill, and therefore I would urge that we vote Aye on the motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Karpziel. Senator

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Karpiel.

SENATOR KARPIEL:

Where do we find this? Motions in Writing -- well, I just -- I just rise to say that this agreement may have been made with Senator Maitland. It was not made with me, as spokesman on the Education Committee, and I object to the motion at this point.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I hope most of us have got a copy of this -- this Motions in Writing in front of us, because this does a heck of a lot of things. It exempts the Chief Operating Officer, the Chief Financial Officer, the Director of Human Resources of Chicago Public Schools from all Illinois certification requirements. It changes the trigger date from annexing our school districts to be eligible for the consolidation incentive of four thousand dollars for each certified teacher. It requires Downstate school board members who are elected from school board districts to have been residents of the subdistrict for at least one year prior to the election. I mean, this is a pretty darn good-sized bill. It does all kinds of things. Very frankly...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- excuse me, Senator Fawell. Senator Welch.

SENATOR WELCH:

If I could explain, Senator. We are -- either that language has passed into law, or we are going to take it out. The bill is going to be reduced to the consolidation provisions in it. The bill will be reduced solely to consolidation provisions, moving the date of consolidation backwards several weeks so that four schools who consolidated prior to the effect of the law, would then be covered and be put in line for consolidation grant money

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per teacher.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- further discussion? Senator Karpziel.

SENATOR KARPIEL:

Well, I hate -- I hate to rise again. I have no problem with the consolidation and taking out some of these other portions of the bill, but I believe it's going to cost about a million-one. And where is that money going to come from?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

As you know, we have a fund that pays money to encourage schools to consolidate. Currently, there is not sufficient funds in that fund to pay all of the schools who are waiting. This would add four schools to the waiting list. So it wouldn't require it to be paid this year. It would put them in line for when there is money in the fund.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

Well, as long as everyone knows that; that the fund is now underfunded and there is a waiting list, this -- I guess I have no objection. As long as everything else is deleted from this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Rea may close.

SENATOR REA:

I just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Rea has moved, with respect to House Bill 104, to waive to -- Motion to Waive Rule 5C relating to House Bill 104. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who

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wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 42, the Nays are 11, 4 voting Present. The motion is adopted. Page 27. House Bill 1352. Madam Secretary, please.

SECRETARY HAWKER:

I move to waive rule -- pardon me -- Senate Rule 5C on House Bill 1352, so that the bill may be considered this Session.

Filed by Senator Madigan.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the Senate. House Bill 1352 is a Conference Committee Report that passed the House with 107 votes. It got left on our Calendar last Session. And to explain the bill, there were several things on the bill. As the previous bill was, this bill also is, in that there is only one item left on this Conference Committee Report that has any bearing, and that has to do with a transfer of the Kankakee River Dam at Wilmington from the City of Wilmington to the Illinois Department of Transportation. All parties are in agreement on this, and I would ask favorable consideration of this Motion in Writing to Suspend Rule 5C, and place this Conference Committee Report on the Calendar.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? All right. If not, you've heard the motion as posed by Senator Madigan. All 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 55, the Nays are none, none voting Present. The motion is -- is adopted. Senate Bill 186. Senator Maitland. Madam Secretary.

SECRETARY HAWKER:

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I move to waive Senate Rule 5C on Senate Bill 186, so that the bill may be considered this Session.

Filed by Senator Maitland.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 186 is a bill that -- that is needed to -- to contain some clean-up language for State Board of Education. This is the vehicle we choose to use for that, and we wish to then allow the bill to be considered this Session.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Karpriel.

SENATOR KARPIEL:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Karpriel.

SENATOR KARPIEL:

Senator Maitland, is -- is this the bill that you plan on putting in your definition -- "adequacy" definition?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Senator, this is one of the bills that we would consider using that for, yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpriel.

SENATOR KARPIEL:

Well, I won't stand in opposition to this motion, but I think when we have the Report - the Conference Committee Report - I think we'll all want to take a good look at it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Further discussion? If not, Senator Maitland may -- the question is, -- you've heard the motion as posed by Senator Maitland. 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 50, the Nays are 4, 1 voting Present. The motion carries. Senate Bill 460. Senator Jones. Madam Secretary.

SECRETARY HAWKER:

I move to waive rule -- Senate Rule 5C with regard to Senate Bill 460, and that the bill be exempted from the Committee on Rules so that it be considered by the Senate.

Filed by Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. Senate Bill 460 is a bill that did pass this Body, but the Cemetery Association, the Funeral Directors Association had been working on it. It deals with the crematory regulations, and they have been working for some -- quite some time on this. Now everyone has agreed to the aspects of the regulations, and there is no opposition to it at this point. And I favor -- ask for a favorable vote on this motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? All right. If not, you've heard the motion as placed by Senator Jones. All in favor will -- 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. The motion carries. Senate Bill 626, Madam Secretary.

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SECRETARY HAWKER:

I move to waive Senate Rule 5C with regard to Senate Bill 626, and that the bill be exempted from the Committee on Rules so that it be considered by the Senate.

Filed by Senator Luft.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. The amendments to Senate Bill 626 that we wish to discuss are lengthy, so I'm going to try to abbreviate the career of this bill. And if anyone has a question, I'll attempt to answer it. The first amendment deletes everything that was in the bill and makes it a Class B misdemeanor for a person knowingly permitting or allowing in a residence any person under the age -- age twenty-one to remain at a residence while in possession of -- or while consuming alcohol. No. 3 was a technical change. No. 4, again deletes everything and creates the Spirits Fair Dealership Law. It is a host of events that have to take place before someone - a major corporation - can take away a person's license as a distributor. No. 5 permits the Comptroller to make direct deposits to providers of services under the Illinois Alcohol and Other Drug Dependency Act. This was a DASA administrative bill that apparently got held up somewhere, and was put back on this bill as an amendment. Amendment No. 6 was Representative Black, who asked that retail licensees are required to maintain original invoices or copies covering purchases of liquor. And No. 7, Representative Shaw, the sale of alcoholic liquor may not be prohibited pursuant to any vote of the legal voters in a precinct at any inter-track wagering location, which is an OTB, located in a precinct. I'm assuming that what this is simply saying is that if an OTB is located within an area and it is wet, or can sell liquor, that the people in that area cannot

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eliminate the right to sell liquor by referendum.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I hope we listened to what Senator Luft was saying. The first several amendments are deleted by Amendment No. 4, an amendment that has far-reaching public policy consequences. I know that it is not uncommon in this Body, or in the other Body, to put on an amendment on a bill that has not been reviewed in committee, but this one impacts a substantial amount of people and an industry in the State of Illinois, and it ought not to be put on in the manner that it was. If we're, in fact, going to do what Amendment No. 4 wants to do - and that's to regulate commerce - then we ought to do it through the committee process or at least through a hearing process. And I would urge that this bill, which is currently reposing in Rules, rest in peace there, because that's exactly where it belongs.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? We have a number of Members who wish to be recognized. Senator Dart.

SENATOR DART:

Thank you, Mr. President. In addition to the fact that Amendment No. 4 was something that did not go through the committee procedure, Amendment No. 7 did go through the committee procedure; it failed. It was brought up on the Floor; it failed here as well. Amendment No. 7 would seek to prohibit voters - people who wish to have control of their precincts, like they're legally allowed to do anywhere else in the State - prohibited from voting a precinct dry because there's an off-track betting which has decided to move into the area. It'd be taking away their right to vote and the right to direct how their precinct could be operated, and has been defeated twice, and I believe that

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amendment should be defeated, and this motion should be defeated.
Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I rise to second what Senator Dart has said. Senate Amendment No. 7 -- or House Amendment No. 7 is indeed a bill that was heard in committee. It had a fair hearing. Basically, what that amendment does is it puts off-track betting in the same status as the Cubs and the -- and the White Sox Parks. There're only two places in the City of Chicago where, if a precinct is dry, that liquor can still be sold. This is a bad idea. I think it's right that the people in the precincts have the right to determine, indeed, whether a precinct is -- is wet or dry. For them to be able to come into a precinct that has voted themselves dry is wrong. And it has been defeated here on the Floor. It's been defeated in the -- in the committee, and I think, if necessary, we ought to defeat it one more time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I don't know - I guess I've got a different view of not only this bill, but of the procedure. Most certainly, this was debated in Local Government Committee. There was a lot of misunderstanding as to whether or not this would take away the ability or whether it would add the ability to take away by vote the -- the liquor license of an off-track betting parlor. And therefore, it was withdrawn by Senator Kelly at that point, and then we went and brought it to this Floor. But, you know -- and we sit here and we act so pious on this, of giving people the right to vote. Well, where were we with the White Sox? Why didn't we say with the

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White Sox, they have the right? Are they big enough - therefore, we're going to allow that to happen? The Cubs - they're big enough, so we're going to allow them the right to exclude the vote? The riverboats? None of the riverboats are under the local control. They're all under State control. Why has this, all of a sudden, become such a big issue? And I think it's really a subterfuge to get back at what Senator DeAngelis said earlier, which he was talking about the fourth amendment, which he says regulates commerce. I say it doesn't regulate commerce. What it really does is saves the jobs of a lot of people that are currently working - longstanding, family-owned businesses - to where the big distillers now can come in and say, "We're just going to take this away from you arbitrarily, even though we've had this agreement with you all these years." That's not fair. That's not fair. I don't care how you cut that. And this is a bill that I think is a good bill. I think it's one -- we did it for beer. That's another thing. Now all of a sudden we're getting excited. And you know what this issue really boils down to? This issue boils down to -- it's because brandy is not included in the exemption. That's what this boils down to, and I think that's a ridiculous reason. And I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I stand in opposition to this motion. I believe that Senator DeAngelis is absolutely correct as far as Amendment No. 4, which creates the State Fair -- Spirits Fair Dealership Law. Really, the City of Chicago has not had one person who has been violated as the current owner or a distributor for any liquor product, and there's no reason why we have to create this State Fair -- Spirits Fair Dealership Law. As far -- which -- Amendment No. 6, which

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permits the waiver provisions requiring licensees to maintain liquor purchase of invoices -- there has been no opposition to that proposal. But the largest opposition that I have to this motion is to eliminating the home rule provisions, which this Body adopted unanimously, which Senator Daley proposed the bill as far as voting precincts dry - giving the opportunity of people who have problems with respective liquor establishments, that with a vote of the people of the precincts, they can vote them dry. This provision would take that opportunity away from the people of Illinois, and I think for that reason alone, this should be defeated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Hall. Senator Luft, Senator Hall has proposed to ask you a question. And you have yielded. Senator Hall.

SENATOR HALL:

I've been asked by people in my area -- they say that what has happened, unless we get this -- and that competition is being abolished, that large companies are -- we got them Downstate there, that they will be -- that's part of this. So therefore, unless we get this on this, I am going to be supporting this, because I think that competition is good for everybody, and what it does it keeps them from everything. So I'm going to be supportive of this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jacobs. Oh, I'm sorry. Was that a -- apparently it wasn't a question. Senator Jacobs.

SENATOR JACOBS:

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I apologize, rising for a second time, but I felt compelled to. As was stated here that no one in Cook has been run out of business. Well, that's fine. But in my area we have two people that have been run out of business because of this -- or will be run out of business because of this type of activity. One has, under the old beer scenario before we got that straightened out - a female - because this is being purported that, if we pass this, this is against female and minorities. I'm telling you that -- that the one that went out under beer was a female-owned business. The one that will be going out, if this bill is not passed, is a female-owned business. And if we still have such a concern for the voting priorities of the people, then let's also add that the White Sox Park and the Wrigley Field -- then also they can vote them dry. I just don't understand how we can say yes here, and no there. It's either right or it's wrong.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Luft may close.

SENATOR LUFT:

Thank you, Mr. President. Well, it's unfortunate that we're in a situation where we have very important legislation that should be considered with another five or six amendments that somewhere one or two of them may cause negative votes. I think this is a vote for the small businessman in our area, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard the motion as posed by Senator Luft. All 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 16, the Nays are 30, 3 voting Present. The motion fails. Let me point out to the Membership that Motions to Waive and Suspend are really nondebateable, so if we could -- 689. Senator Jones.

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Madam Secretary.

SECRETARY HAWKER:

I move to waive Senate Rule 5C with regard to Senate Bill 689, and that the bill be exempted from the Committee on Rules so that it can be considered by the Senate.

Filed by Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President, Members of the Senate. Senate Bill 689 is a bill that did pass this Body. It was held over in the House, and the original bill allowed alcoholic liquor to be delivered to a federal enclave in the State, but not transferred through a licensed importer. But it also -- they added an amendment, which -- Senator DeAngelis' bill, and that was -- that passed this Body and to allow a liquor commissioner, with the approval of the Illinois Liquor Commission, to issue a license to a new licensee. And that was a bill that did pass this Body on almost a unanimous vote. It was held over, and now we need this exemption so that this bill can be acted on. And I ask a favorable vote on this motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Hall. Light's on, not in his seat. Further discussion? If not, the -- you've heard the motion as posed by Senator Jones. All 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 35, the Nays are 18, none voting Present. The motion carries. Senate Bill 698. Senator Jones. The motion, Madam Secretary, please.

SECRETARY HAWKER:

I move to waive Senate Rule 5C with regard to Senate Bill 698,

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and that the bill be exempted from the Committee on Rules so that it can be considered by the Senate.

Filed by Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yes. Thank you, Mr. President and Members of the Senate. This motion and the provisions in this legislation was a issue that we have dealt with before and that the bill must go into conference committee. It dealt with the premium of a finance insurance contract. We do need it for a clean-up language, and I ask for a motion -- a favorable vote on this motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? You've heard the motion. All in favor of the motion 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 50, the Nays are 1, 1 voting Present. The motion carries. Senate Bill 699. The motion, Madam Secretary, please.

SECRETARY HAWKER:

I move to waive Senate -- pardon me -- Senate Rule 5C in relation to Senate Bill 699, so that it may be considered this Session.

Filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This Conference Committee deals with the electrical licensing bill. It was originally Senate Bill 443, which passed 44 to 7. The Governor, in his veto message, suggested he was in favor of the concept, but it needed some changes. A number of those changes

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have been included in the Conference Committee. So I would ask that we waive Rule 5C so that we can consider this Conference Committee Report, and I could at that time explain the changes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Schaffer.

SENATOR SCHAFFER:

I take it this is the electricians' bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR SCHAFFER:

I am under the impression...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Yes?

PRESIDING OFFICER: (SENATOR DEMUZIO)

I'm trying to get control. Senator Schaffer.

SENATOR SCHAFFER:

Good luck. The -- I am under the impression there is still a considerable amount of resistance to this bill, and that a considerable percentage of that constituency feels they've been cut out of the negotiations. I'm not sure that we wouldn't be best to let this one lie until the fall Session, and let the affected groups - and all the affected groups - get around the table. As long as certain aspects of this industry choose not to allow the little guy around the table, I don't think we ought to move this one inch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Just a clarification. What, actually, is the motion? Is this final action on this particular

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bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

On page 27 in the middle, the motion is printed. Senate Bill 699.

SENATOR WATSON:

Well, I'd like for the sponsor to explain again what the motion actually is, and what his intention is to do with this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Yes. The Conference Committee Report has been filed, and you -- perhaps your staff even has an analysis. This was a bill which passed 44 to 7. The Governor -- the Governor vetoed it with a long message, and so we met with representatives of the Governor's Office and interested parties. Now the ones who didn't get what they -- all of what they wanted say that they are still opposed to it, but what I would suggest, Senator Watson, is we just pass this motion; we can then debate the Conference Committee Report. If for some reason it doesn't have enough votes, we can go to a Second Conference Committee Report and try to address the -- all of the concerns. But this is a preliminary motion -- procedural motion, just to have the bill debated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

Well, then, maybe this is just as opportune time to kill it, so we don't have to worry about debating it later. I mean, it's a bad idea. There's a lot of problems with this legislation. Let's just vote No, because what this is going to do - it's going to impact the little guy. It's going to impact the guy who's out there right now, who's been in the business for thirty/thirty-five

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years and -- working as an electrician, and all of a sudden now he's going to have to become a licensed electrician, and it's going to -- the rural area -- this is going to have a major, major problem. Another situation that's going to occur here, and I understand - and you can correct me if I'm wrong - but I understand a municipality now has to inspect those -- the work being done, and municipalities are going to have problems getting a licensed electrician to do this. They have problems now getting qualified people in the rural areas, small towns, getting someone to inspect now. So it's going to create a big problem. And a question I'd like to ask of the sponsor, if I might: I understand there's been some exceptions put into this bill, and I wonder if Sears and Roebuck -- if Sears is part of that exception.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Well, Mr. President, I -- I was under the impression that we weren't going to debate the bill till 3rd Reading. So I didn't -- I didn't explain the bill. Now if you want me to go through a lengthy description of the bill and rebut some of the -- some of the misimpressions you have, I'll be happy to, but I didn't think that's what we were about. I can just answer your last question by telling you, yes, there were changes made in the bill as a result of various interested parties coming to us and saying, "Could you please put an amendment in?" For example, there is an amendment here that says that people who repair household products, including audio and video equipment, appliances, fans, garage door openers, et cetera, by a company engaged in the retail sale of consumer products, would be exempt from the bill. That was at the request of the Retail Merchants Association. So that's undoubtedly what you're concerned about with regard to Sears. With regard to the other statement you made about the

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municipalities being required to inspect - that's not the case. The fact is that the State will have to provide inspections, but that if municipalities are capable of doing those inspections, the State can designate that obligation to the municipalities. So, again, I'd be happy to -- it's a big bill; I don't suggest it's not. It passed 44 to 7, and it's a better bill than when it passed 44 to 7 in the Senate. And I would just ask for the opportunity to debate it on 3rd Reading. The Governor said he was in favor of the concept. I don't know that he's even against the bill now. I think there is bipartisan support for the bill. If we don't get 30 votes, we'll go to a Second Conference Committee and try to address the concerns.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? I might point out there are three lights. Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Hall.

SENATOR HALL:

I'm going to ask you a question this time; I'm not going to make a statement. But how does this affect little cities where that -- well, you take a city like East St. Louis, who has lost forty-seven thousand people in it. Now they have a few fellows that are in this business. Are you going to say that they have to hire journeymen and everything in there?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton. Senator Cullerton.

SENATOR CULLERTON:

Well, sir, what this contemplates is a licensing of electricians and of inspectors. If there is a new project being built where there's brand new -- brand new development in East St.

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Louis, there -- there might be, for all I know, an ordinance in East St. Louis right now that requires inspections, and has an electrical code. If that's the case, then this bill would not dramatically change the current practice. If, for some reason, there's no -- there's a city that has no electrical code and there's no electrical inspectors, and people are -- since they're not licensed, they can just go and hire anybody they want who thinks they know something about electricity, this bill has the effect of saying, we're going to - in order to protect the safety of people - have some minimum standards and have -- make sure that there are some inspections and make sure that there's licensing. At the same time, we have a grandfather clause that says people who have the qualifications of master electricians, residential electricians, journeyman electricians - they shall be covered. We also added a number of exemptions that were requested as a result of the meetings with the Governor's Office. So I -- I think, Senator, that it's a -- it's a fair compromise, and I -- I believe that it -- it'll improve the concerns of safety, but at the same time, it's reasonable.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Well, Senator, I have gotten a lot of calls, and from people in my district, and they say this is really shutting the door on these people. We've got a city now that is a depressed city. It needs help, and now if we're trying to bring some industry or something in there, and then they're going to be shut out by folks who must come in from other places and come in and do this work, because they don't qualify. This is a bad bill, and I am vehemently opposed to this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Geo-Karis. Senator

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Geo-Karis. Senator, we're having trouble with your microphone.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will. Senator...

SENATOR GEO-KARIS:

Senator, you attempted to pass this electricians' bill before, and wasn't that defeated?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Cullerton.

SENATOR CULLERTON:

I'm very happy you asked that question. This bill passed 100 to 15 in the House, and 44 to 7 in the Senate last year.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

But not this year. You -- you had it on this year and maybe you didn't call the bill, but I think this is a travesty of justice when you're trying to put it on a dental bill - dental practice bill - in order to get your way. I think you're wrong. I've had loads of letters against this bill the way you've got it tailored, and I think we should vote against this motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. One final speaker. Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I rise in support of Senate Bill 699. There is no craft -- no craft in Illinois or any other place that has had such a rapid change in technology than the electricians' industry, and I'll tell you, if you want somebody messing with your house, or your place of business, that doesn't know what they're doing when you've got a lot of stuff that very few people know how to even wire, be my guest, but this bill

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insures that the people that are going to go and do that work know what they're doing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton may close.

SENATOR CULLERTON:

Well, thank you, Mr. President. I -- I wasn't really prepared to fully explain and debate the bill onto this...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Hold it -- hold it -- hold it -- hold it -- hold it -- hold it. I guess we're not done.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, we started down this path already, and we went -- that's correct, and you got twice. Senator Schuneman.

SENATOR SCHUNEMAN:

Sorry, Mr. President. My light was on; you just didn't notice it. But I rise in opposition to this motion. Those of you who have followed this issue know that this is a bill that was conceived by the electrical unions and the large contractors in this State. Now if they're the ones that we want to protect, then let's get this bill out and move it, but I'm more interested, frankly, in being fair to the small contractors who are performing a valuable service in every one of our communities, and I don't want to see this kind of -- of measure move along that's going to put those folks out of business. I think we ought to keep it right in the committee where it is now -- or in -- in Rules,

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right where it is now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jones.

SENATOR JONES:

Thank you, Mr. President. I rise in support of this legislation. This bill was heard in the Insurance, License and Pension Committee. At that time the sponsor agreed to strip the bill and make it a vehicle bill. I met -- I had my concerns about it equally, and I met with the contractors - the small contractors - in relationship to this bill. And changes was made, and as the sponsor indicated in his motion, this bill passed by a vote of 47 to whatever in this Body, and passed overwhelmingly in the House. The Governor saw fit to veto it for some reasons. But those changes were made. This bill is a good bill. Those protections were built in. In the large municipalities, be it the City of Chicago or East St. Louis, where you have inspectors, then they would be exempt. But in many small towns there aren't any inspectors, and you -- and if you're talking about technology in electricity, you want to insure that those homes -- or those who are doing those repairs are competent, because this is where a lot of fires start from in small towns and -- those electrical fires. The safeguards are built into this piece of legislation, and this vote -- this motion should receive a unanimous vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

We have two additional lights. Senator Brookins.

SENATOR BROOKINS:

Thank you. I -- I rise in opposition to this bill. This is a terrible bill. It's terrible for minorities, and that's the ones that they are going to eliminate. This is awful. This is the worst bill that has come before this House to affect minorities in this century. I ask for a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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All right. Senator Cullerton may close.

SENATOR CULLERTON:

Well, I -- I certainly have to respond to the last speaker. I -- I understood that this bill was held a number -- for a number of months, and Senator Jones assured me that he was assisting me in negotiating the bill with the minority contractors who signed off on the bill in Chicago. So I was not aware of the fact that there was opposition, and I'm surprised to hear that. With regard to the other concerns, I -- I guess all I can say is this: We license, in this State, landscape architects, I think, to protect the safety of people from having their -- their lawns fall in on them, or -- and we also have a Statewide licensing for plumbers. That's what this bill was patterned after. This is electricity. Okay? Now, we have had some very serious fires in the Chicago area over the last few months, where they were clearly caused by -- by unlicensed, unskilled electricians who did some work and didn't follow the code. This is not going to eliminate all of those, but it certainly will go a long way towards protecting the safety of the people who are in this State. And it's -- believe me, we have made accommodations to those people who have said they're opposed to the bill. I met with the Farm Bureau, and he said, "Well, I got a problem with this bill, because what about -- my brother comes over and helps me wire something, and this says he's got to be licensed." And I said, "No, it doesn't. He's not an employee. There's an exemption for an owner." "Well, okay, I'm still against it." Well, I mean, what are you going to say to people? They say they're against the bill. They write you letters. They say, "This is a terrible bill." Well, most of you voted for it already. I don't know what you tell them. I guess you didn't tell them you already voted for it. It's -- it's really a very important piece of legislation, and I'd be happy to get into the possibility of making any changes for some of you, on

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-- on a Second Conference Committee Report, if that's necessary, but please give us the opportunity to vote on it. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is -- you've heard the motion a number of times as placed by Senator Cullerton. 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? You know, I was wondering whether or not we should take as much time to construct this roll call as we did the debate. Final call. Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 30, none voting Present. The motion fails. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your -- state your point.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, it's my privilege to introduce to you four visitors from Norway who are here to see how the Legislature in Illinois works. And if they would please stand and be recognized, and their escort is Jeanne Blackman and Mrs. Taylor from Taylorville.

PRESIDING OFFICER: (SENATOR DEMUZIO)

If our guests in the gallery will please rise. Welcome to Springfield. Nice to have you here. Senator Schaffer, for what purpose do you rise?

SENATOR SCHAFFER:

Mr. President, on a point of personal privilege. I'd like to introduce a couple of friends now leaving the gallery. Patti Racine and Kayla Kittleson, who are friends of my wife and I, here visiting us to watch the Legislature -- in its finale.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Guests in the gallery please rise. Welcome to Springfield. We're glad to have you here. Senator Severns, for what purpose do you rise?

SENATOR SEVERNS:

Thank you, Mr. President. On the same order. I rise on a point of personal privilege.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR SEVERNS:

It is my honor today to have joining us from Christian County, Bonnie Wolf, who was honored in a resolution that we passed unanimously in this Chamber; Katherine Bond and her daughter; and Edna Koontz, who are with us in the President's Gallery. And it's my honor to have them joining us in the Senate. I would like the Senate to join me in welcoming them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

If our guests in the gallery will please rise. Welcome to Springfield. All right. Senate -- Senate Bill 741. Senator Rea. Mr. Secretary, read the -- read the motion.

ACTING SECRETARY: (MR. HARRY)

I move to waive Rule 5C in relation to Senate Bill 741, so that it may be considered this Session.

Filed by Senator Rea.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rea.

SENATOR REA:

Thank you, Mr. President. I -- on Senate Bill 741, it alters the general State aid payment schedule to provide double payments in June to Downstate schools only, and a double payment in August to the Chicago schools. Same as legislation we've already passed out of here. The same number of payments, both for Downstate and

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Chicago, and I would move for passage of the motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Karpziel.

SENATOR KARPIEL:

Well, thank you -- thank you, Mr. President. I just don't know how many times we have to vote on this bill. I'm against this motion. This bill -- the contents of 741 is at present on the Governor's Desk for signature. We've already passed this same type -- same legislation, and I don't see the need for this. Unless there is a purpose to the bill that we don't know about, I don't see any need for this bill, and I'm -- I would oppose this motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Rea may close.

SENATOR REA:

Thank you, Mr. President. The -- in fact, we did pass legislation similar. And there was similar legislation that was placed on the Governor's Desk last year along these lines, and this certainly would help the Downstate and Chicago schools both to know exactly when their payments are being made. And I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard the motion as placed by Senator Rea. All 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? Have all voted who wish? Take the record. On that question, the Ayes are 31 <sic> (32), the Nays are 24, none voting Present. The motion carries. Senate Bill 911, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

I move to waive Senate Rule 5C on Senate Bill 911, so that the bill may be considered this Session.

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Filed by Senator Mahar.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. The last couple of weeks the House was kind enough to gut the contents of one of my bill and add a provision which extends from March 15th of '92 to October 30th, '92 the date before which the four-sevenths of all monies paid into the Horse Racing Tax Allocation Fund are to be deposited with the municipality or park district hosting an off-track betting parlor. Without this, apparently, the money would go to the Chicago Park District. Now, the places that -- the eight park districts or municipalities involved are: Champaign, Bloomington, Oak Brook Terrace, Bradley, Effingham, Quincy, Carbondale and Richmond - none of which are in my district, so I really don't care. But nonetheless, for those who do care, may wish to support me in my Motion to Waive Senate Rule 5C.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, you've heard the motion as posed by Senator Mahar. All 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 55, the Nays are 1, none voting Present. The motion carries. Senate Bill 963. The motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to waive Senate Rule 5C with regard to Senate Bill 963, and that the bill be exempted from the Committee on Rules, so that it can be considered by the Senate.

Filed by Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. Senate Bill 963, as amended, and -- it has in there the issue as relate to the registration of geologists, which is -- Representative Satterthwaite and Senator Etheredge was in very, very strong support. They've been working on this issue, and I ask for a favorable vote on this -- on this motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Watson.

SENATOR WATSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Watson.

SENATOR WATSON:

Explain House Amendment No. 1, that gave court reporters leave and sick pay rights.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

That is no longer in the bill. The bill -- the House Amendment No. 3 deleted all, and all it has in there is -- is the geologists.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the -- you've heard the motion as placed by Senator Jones. 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 43, the Nays are 10, none voting Present. The motion carries. It's our intention now to -- to take a recess for an hour and a half. Resolutions.

ACTING SECRETARY: (MR. HARRY)

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Senate Resolution 1466 offered by Senator Dudycz.

And Senate Resolution 1467 offered by Senator Geo-Karis and all Members.

They're both congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar. Senator Macdonald, for what purpose do you arise? Senator Macdonald, you're on.

SENATOR MACDONALD:

Thank you, Mr. President. We have a very important announcement. I rise on a point of personal...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Ladies and Gentlemen, could I have your attention, please. Senator Macdonald.

SENATOR MACDONALD:

Yes. I have a point of personal privilege. Today, Senator Hudson and his wife, Barbara, are celebrating their fiftieth anniversary. We do not have our resolution ready yet, but Senator Hudson would like to invite all Senators to have a -- join them and have a piece of wedding cake. It's right down here in the well of the Senate, and so we want to congratulate them, and we will read the resolution a little bit later. So congratulations, Barb and Ray.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Congratulations. ...(applause by the Illinois Senate)... All right. The Senate will stand in recess till the hour of one-thirty.

(RECESS)

(SENATE RECONVENES)

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PRESIDENT ROCK:

The hour of 4:15 having arrived, the Senate will please come to order. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Joint Resolution 181 offered by Senators Dart and Philip.

It is substantive.

PRESIDENT ROCK:

Take that out of the record for a moment.

SECRETARY HAWKER:

...(machine cutoff)...Resolution 1468 offered by Senator Geo-Karis.

It is congratulatory.

PRESIDENT ROCK:

Consent Calendar. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Joint Resolution 181 offered by Senators Dart and Philip.

It is substantive.

PRESIDENT ROCK:

Senator Dart.

SENATOR DART:

Thank you, Mr. President. I move to suspend the rules so that this resolution could be put on the Secretary's Desk for concurrence.

PRESIDENT ROCK:

All right. The Gentleman asks leave that the -- Senate Joint Resolution 181 be shown -- be placed on the Order of Secretary's Desk, Resolutions. Without objection, leave is granted. Messages from the House.

SECRETARY HAWKER:

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

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

House Bill 3739, together with Senate Amendments 1, 2, 3, 4 and 5.

I have like Messages on:

House Bill 2824, together with Senate Amendments 1 and 3;

House Bill 3598, together with Senate Amendment No. 1;

And House Bill 4163, together with Senate Amendment 1.

They were all non-concurred in by the House, June 29, 1992.

PRESIDENT ROCK:

All right. Secretary's -- Secretary's Desk.

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 1519, together with Senate Amendment -- with House Amendment 1.

PRESIDENT ROCK:

Secretary's Desk. Ladies and Gentlemen, we will begin on the Order of Secretary's Desk, Concurrence, and go through that part of the Calendar again. Pursuant to some of the motions that were successful, there are about five or six items that we ought to deal with. And then there is a Supplemental No. 2 Calendar. When we begin, we will begin with Senators Maitland, Rock, Jones, Jones, Jones, Mahar and Jones. And then we will move to the Supplemental Calendar for Senators Luft, Topinka, Hawkinson,

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Kelly, Rock, Demuzio, Collins, Dudycz, Severns. Senator Keats, for what purpose do you arise, sir?

SENATOR KEATS:

Question of my President.

PRESIDENT ROCK:

Yes.

SENATOR KEATS:

Could you explain again which Calendar we're on? I have about eighty-three. You were kind enough to say, but it -- I didn't catch it.

PRESIDENT ROCK:

Right. We are on the Regular Calendar, the regularly printed Calendar for the 129th Legislative Day. And we will begin on the Order of Secretary's Desk, Concurrence, with Senator Maitland, after which Order of Business we will move to Supplemental Calendar No. 2.

SENATOR KEATS:

Thanks, Phil. I got it right here. Right here.

PRESIDENT ROCK:

Okay. And the Chair wishes to advise the Membership that Senator Philip and I have, for the past four hours or so, been engaged in I hope meaningful and good-faith negotiations and discussions concerning the budget. Others have been involved in meaningful and good-faith discussions concerning the Medicaid Assessment Program, which we will, I'm told, get to shortly. Senator Maitland, on page 19 on the Calendar is your Senate Bill 186, with House Amendment No. 1. All right. Ladies and Gentlemen, page 19 -- page 19 on the Regular Calendar. Page 19 on the Regular Calendar. On the Order of Secretary's Desk, Concurrence, is Senate Bill 186, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 186.

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PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. I would move to non-concur with House Amendment No. 1 to Senate Bill 186.

PRESIDENT ROCK:

Senator Maitland has moved to non-concur in House Amendment No. 1 to Senate Bill 186. Those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries. And the Secretary shall so inform the House. 400 we'll get back to, as soon as Senator Demuzio assumes the Podium. 460. Senator Jones. Madam Secretary, on the Order of Secretary's Desk, Concurrence, is Senate Bill 460.

SECRETARY HAWKER:

Senate Amendments 1 and 2 -- pardon me. House Amendments 1 and 2 to Senate Bill 460.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and Members of the Senate. I move that the Senate adopt the Conference Committee -- First Conference Committee Report <sic> on Senate Bill 460. It creates the Crematory Regulatory <sic> (Regulation) Act. It establishes procedures for cremation of human remains by a crematory authority, with authorization from the authorizing agent. It allows cremation authorization on pre-need basis, and provides the Comptroller with rules -- rule-making and investigative powers. This -- this piece of legislation has been worked on by the Funeral Directors, the Cemetery Association, and they've come to agreement on all points on this piece of legislation. And I ask for a favorable vote.

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PRESIDENT ROCK:

All right. The Gentleman has moved concurrence in House Amendments Nos. 1 and 2 to Senate Bill 460. Is there any discussion? If not, the question is, shall the Senate concur in House Amendments 1 and 2 to Senate Bill 460. 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? All voted who wish? Take the record. On that question, there are 51 Ayes, no Nays, none voting Present. The Senate does concur in House Amendments 1 and 2 to Senate Bill 460. And the bill, having received the required constitutional majority, is declared passed. Top of page 20. Top of page 20. 4 -- or 689. Senator Jones. No. 698. Yes. Top of page 20, Ladies and Gentlemen. On the Order of Secretary's Desk, Concurrence, is Senate Bill 698, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 698.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Yes. Thank you, Mr. President. I move that the Senate not concur in the House Amendment No. 1, and request a conference committee.

PRESIDENT ROCK:

Gentleman has moved that the Senate -- Senator Jones moves to non-concur in House Amendment No. 1 to Senate Bill 698. Those -- all in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. 911. Senator Mahar. And 963. Senator Jones. Middle of page 20, Madam Secretary, on the Order of Secretary's Desk, Concurrence, is Senate Bill 963.

SECRETARY HAWKER:

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House Amendments 1, 3, 6 and 8 to Senate Bill 963.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. I move that the Senate concur in Amendments 1, 3 and 6 to Senate Bill 963. Amendment No. 1 dealt with sick leave for court reporters. Amendment No. 3 deleted all substantive provisions of that bill, and Amendment No. 6 is essentially the bill. And what it does is create the Geological <sic> (Geologist) Registration Act. This is a bill that was addressed in Senate Bill 1396 by Senator Etheredge. Is he on the Floor? Senator Etheredge is on the Floor. I didn't see him on the Floor, but that's what it does. It -- creates the Geological Board for registration with the Department of Professional Regulation, and sets out the duties of the Board and everything therein. And I ask for a favorable vote on this -- on this concurrence motion.

PRESIDENT ROCK:

All right. The Gentleman has moved concurrence in House Amendments 1, 3, 6 and 8 to Senate Bill 963. Discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDENT ROCK:

Indicates he will yield, Senator Fawell.

SENATOR FAWELL:

The House amendment that gave court reporters leave and sick rights pay - that's out. Right? All right. How about House Amendment No. 8? It creates the Professional Athletes and Drugs Act - is that still in?

PRESIDENT ROCK:

Senator Jones.

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SENATOR JONES:

Yes. That is still in. I apologize for not turning the page to get to that, but that is still in the bill. Yes, it is. And what that does -- what that does is create the Professional Athlete and Drugs to -- to prohibit professional athletes who are convicted a second or subsequent time for any violation of the Controlled Substance Act or Cannabis Control Act from ever participating in professional sports in this State. This is a good amendment, because these professional athletes are role models. If they are convicted a second time for either one of those Acts, then they can no longer participate in sports in the State of Illinois. And -- and I'm in favor of that amendment equally as well.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank -- thank you very much, Mr. President and Members of the Senate. Well, I think that we ought to take a hard look at this -- this last amendment, dealing with professional athletics and drugs. I don't think anybody here is going to condone anybody from being -- who's -- who's been convicted of drugs, whether it's Controlled Substance or Cannabis Control Act. But - and there's a big "but" - I mean, I'm not sure that we in the State Legislature should be getting involved in the situation of telling professional sports who can play in our State and who can't. Yeah, you can play in Kansas; you can play in Milwaukee; you can play in St. Louis, but when you come to Illinois, you can't play here because you were convicted twice -- convicted twice on a marijuana bust. I think that the professional sports are awakening to the need to get involved with this situation. We've just seen a player banned for life in professional baseball this last week, another -- another player banned for life in

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professional football, and I think this should be left up to the sports franchises and to professional sports, instead of the Legislature saying, "We're going to inject ourselves in professional sports," which is interstate commerce involves business across the country - lots of dollars. I think this is the wrong way to go. That doesn't mean we're condoning what they're doing. That just means we're leaving it up to the NBA and the NFL and the -- Major League baseball to deal with these drug abusers. They're doing so by suspending them, either for a season or for life. I don't think we should be injecting ourselves here. Somebody can be convicted on two marijuana convictions and then they can't play professional sports in Illinois. I'm not sure that that's our business, and I would like to see that taken out of this Conference Committee Report. If we pass it, it's law. So this is final action, as though there's -- this may be the only thing in the bill. I think we ought to send it back to conference and -- or at least send it to conference and get this provision out of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

Thank you. Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Watson.

SENATOR WATSON:

Just to follow up on the previous speaker. Has there been -- is there any other state that's done this? Is there a precedent for this anywhere?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

The amendment was placed on in the House. I don't have, in my

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file here, where it's some other state. But in answer to your question, perhaps some other states should do this. Professional athletes are role models for many young persons throughout -- throughout the country. And -- and to elaborate even further on that, you're talking about what we do in Illinois. We should do it in Illinois, and I don't want to make light of two convictions for marijuana. I'm talking about crack. I'm talking about cocaine. And if the individuals have been convicted, then we in the State of Illinois said, "No, we do not want you out there influencing our young people." And I will not make light of that fact that -- as -- as the previous speaker indicated, to talk about marijuana. We're talking about hard drugs, and I don't think they should be out here in the State of Illinois influencing our young people.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Well, yes. Thank you. I don't know for sure whether -- I appreciated your editorial, but I don't know if you necessarily answered my question. Is this a fact now if -- if the Houston Astros come in to play the Chicago Cubs and they have a player that -- on the -- on the Astros that's been convicted twice, he's going -- he can't play in Chicago, but he could play in Cincinnati or Atlanta or somewhere else? Is that what we're doing here?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

What we are doing with this legislation is saying that if you are to participate in athletics in the State of Illinois, if you come from the Houston Astros and you -- and they permit you to do those things, and you've been convicted twice, then you will not be able to play in Illinois.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, I -- I think the motivation is probably good here; but, as I understand the various groups that regulate professional athletes, I suspect that this bill would cause an awful lot of problems, and in the end result, probably not get us very far. I think we're going to have a difficult time seeing this type of legislation become workable, and I think the hue and cry that it would generate would not necessarily bring credit to us in the Legislature. I would suggest to you, Senator Jones, you might talk to the House sponsor. And if you're really serious about this, why don't you let them play, but just ban any articles endorsed by them in the State - just say, you can't sell gym shoes in this State, endorsed or that bear the name of a professional athlete who's had two drug convictions? My guess is, that'd get the problem solved a lot quicker.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Alexander.

SENATOR ALEXANDER:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield.

SENATOR ALEXANDER:

Thank you. I'm not too much of -- of an athletic fan, Senator Jones; however, a question came in my mind. How would I know of the convictions, say, of Senator Brookins - that he's had two convictions? Will there be some nature of board or committee who's going to keep track of these things, and who will they be reporting to, and how will the immediate Act be enforced for putting it in its correct posture?

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Jones.

SENATOR JONES:

The amendment, as drafted in the bill, does not specify; however -- however, Senator Alexander, a conviction would be known to the sports teams; it'd be known to the professional teams. They would know. As a result, they will automatically abide by State law. So when you are convicted of something, the sports teams know who's been convicted. Okay? It is a matter of public record.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Luft.

SENATOR LUFT:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Luft.

SENATOR LUFT:

Are there any professional athletes who have been convicted two times or more in professional athletes today -- in athletics today? Or are they being regulated by the profession so much that if you've been convicted twice, you're out -- you're out of the system anyway -- or the profession?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

There is one particular professional athlete that has been convicted once, and the second offense he -- he pleaded no contest. So, therefore, no contest would mean that you've been convicted.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

So in other words, we're talking about one person right now.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

We may be talking about one at this moment, but there could be many, many others as such.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Jones may close.

SENATOR JONES:

Again, the bill is -- there are four amendments on the bill, and the one question that came up the most is the one as it relate to the conviction for drugs by a professional athlete - two convictions - wherein they could not participate in the State of Illinois in sports. But what amazes me so, the number one problem on all the surveys that we have with our young people is drugs. And highly visible professional athletes - be they hockey, baseball, football, basketball, soccer - these individuals have a tremendous influence over our young people. I -- I personally believe it is a good amendment. I believe that if one is going to be out there -- could I have a little attention, Mr. President? It's so hard to hear.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Ladies and Gentlemen.

SENATOR JONES:

I believe one who participate in athletics who has so much influence, be it the endorsement of products, who -- who violate the law, be it the law of this State or another state, but if they have those convictions, we should not make light of it, and then we wonder why our young people go astray. So if you've got that -- if you can have that much influence - you've been convicted twice of a federal or State law along these lines, then you should not be participating in sports in the State of Illinois. So I

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ask for concurrence on Amendments 1, 3, 6 and 8. And, Mr. President, I'd like to divide the question on this subject. I got three amendments on there. I'd like to take a roll call on 1, 3 and 6; and we can take a separate roll call on Amendment No. 8.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Jones has requested that we divide the question. Senator Jones has moved that the -- the question is, shall the Senate concur with House Amendments 1, 3 and 6 to Senate Bill 963. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 2, none voting Present. The Senate does concur with House Amendments 1, 3 and 6. Senator Jones, on Amendment No. 8.

SENATOR JONES:

Yeah. Thank you, Mr. President. Now I would ask the -- the Senate to concur also in Amendment No. 8. And those who are for strict enforcement as it relate to drugs, would be voting Yes on this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is -- question is, shall the Senate concur with House Amendment 8 -- Senator Hall, for what purpose do arise?

SENATOR HALL:

My green light is not working. So I -- I just want to tell you that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate concur with House Amendment 8 to Senate Bill 963. 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, the Ayes are 19, the Nays are 25, 3 voting Present. The question -- non-concurs with Amendment No. 8.

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All right. With leave of the Body, if you'll turn to page 19, we will return to Senate Bill 400 for Senator Rock. Leave is granted. Page 19. Senate Bill 400, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 400.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

There are, I think, Madam, two -- two House amendments?

SECRETARY HAWKER:

That is correct. House Amendments 1 and 2.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 400 left this Chamber unanimously and is the extensive rewrite of the State's Domestic Violence Law. As it left this Chamber, other bills were crossing from the House to the Senate that were in part sponsored and promoted by the Attorney General's Office. Amendment No. 1 is a House amendment that was negotiated with the Attorney General's Office to clarify the definition of a dating relationship, and House Amendment No. 1 -- with its addition, it now becomes identical to House Bill 3445, which just passed out of here 57 to nothing. In addition to that, House Amendment No. 2 -- the House went one step further and negotiated further with the Bar Association and with the Rifle -- National Rifle Association. The original bill did contain some language concerning the confiscation of weapons, which the Association found offensive. That has now been deleted. So as far as I am aware, everybody in the world is as happy as a clam with Senate Bill 400, as amended with House Amendments 1 and 2, and so I would move that the Senate concur with House Amendments 1 and 2 to Senate Bill 400.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Discussion? If not, the question is, shall the Senate concur with House Amendments 1 and 2 to Senate Bill 400. 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, the Ayes are 58, the Nays are none, none voting Present. The Senate does concur with House Amendments 1 and 2 to Senate Bill 400. And the bill, having received the required constitutional majority, is declared passed. Page 20. Senator Collins, on Senate Bill 1337. Beg your pardon. That's not exempt. Senate Bill 1490. Senator Topinka. I'm sorry. I'm sorry. Supplemental Calendar No. 2. Supplemental Calendar No. 2 is Senate Bill 1465 -- Senate Resolution 1465. Is there leave to come right back to that? Leave is granted. Senate Bill 1519. Senator Luft. House Bill 3739. Senator Topinka. Secretary's Desk, Non-concurrence, is House Bill 3739, Madam Secretary.

SECRETARY HAWKER:

Senate Amendments 1, 2, 3, 4 and 5 to House Bill 3739.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, I would refuse to recede from all of the House <sic> (Senate) amendments, and would ask that a conference committee be called.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka has moved that the Senate refuse to recede from the adoption of Senate Amendments 1, 2, 3, 4 and 5 to House Bill 3739, and that a conference committee be appointed. All in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Motions in Writing, House Bill 714. Senator Hawkinson. Madam Secretary, 714.

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SECRETARY HAWKER:

I move to waive Senate Rule 5C in relation to House Bill 714, so that it may be considered this Session.

Filed by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. The Conference Committee Report on House Bill 714 will be the recodification of the Library District Act, which I believe has now been agreed by all parties. So I would move that we suspend Rule 5C that -- so this bill may be placed on the Calender.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, you've heard the motion as posed by Senator Hawkinson to move <sic> (waive) Rule 5C in relationship to House Bill 714, and it be considered this Session. All 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. The motion carries. Senate Bill 221. Senator Kelly. Madam Secretary, please.

SECRETARY HAWKER:

I move to waive Senate Rule 5C with regard to Senate Bill 221, and that the bill be exempted from the Committee on Rules and that it -- so that it can be considered by the Senate.

Filed by Senator Kelly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I move to waive the appropriate rules to have Senate Bill 221 exempted and -- and considered. It's on Concurrence. This intent is to use this bill as a vehicle

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for agreements between the House and Senate, and there will be nothing other than agreements on both sides of the aisle between both Chambers, and I'd move for the -- for this motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor. Agreements on what? What -- what's the underlying bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Yes. There are some township bills, and there is a proposal on -- Representative Hartke, which we brought to the attention of the Senate last week, and there is DuPage Forest Preserve District, as well. And there may be another agreed proposal or two that might be incorporated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Question is -- you've heard the motion as placed by Senator Kelly. All those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The motion carries. Senate Bill 837. Senator Rock. Madam Secretary.

SECRETARY HAWKER:

I move to waive Senate Rule 5C with regard to Senate Bill 837, and that the bill be exempted from the Committee on Rules, so that it can be considered by the Senate.

Filed by Senator Rock.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.

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I am asking that Senate Bill 837 be ruled exempt, so that it may be considered this year in the form of a conference committee report. Senate Bill 837 was sent to the House last year as a vehicle to provide a vehicle for any consideration of Cook County Hospital and/or disproportionate share hospitals. It was not necessary to use it for that purpose. The purpose it will be used for is to present to this Body a proposal for a pilot program with respect to subacute care. The program, I am told, has been signed off on by both the Department of Public Aid and the Department of Public Health. It is something, in my judgment, that is long overdue in this State, and I would be delighted to have the opportunity to present it to this Body tomorrow. So I would ask that the rules be waived, and that Senate Bill 837 be ruled exempt.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, those in favor of the motion 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, the Ayes are 43, the Nays are 3, none voting Present. The motion carries. Leave to come back to Senate Bill 1071 in a few moments? Leave is granted. Senate Bill 1337. Senator Collins. Madam Secretary, please.

SECRETARY HAWKER:

I move to waive Senate Rule 5C with regard to Senate Bill 1337, and that the bill be exempted from the Committee on Rules, so that it can be considered by the Senate.

Filed by Senator Collins.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. The reason I am -- filed this motion is because the bill that we

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passed last year, the -- from the GA's <sic> (AG's) Office in reference to the fraud and the 900 numbers - calling of the 900 numbers - they had an amendment put on in the House on this bill basically to clarify some language, and clear up some of the technical problems with the operation of that. And I would just ask that, you know, you give me a favorable vote on this -- on this -- on this motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the -- those in favor of the motion 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 54, the Nays are 1, none voting Present. The motion carries. House <sic> (Senate) Resolution 1454. The motion by Senator Dudycz, Madam Secretary.

SECRETARY HAWKER:

I move to discharge the Committee on Executive from further consideration of Senate Resolution 1454, for the purpose of immediate consideration.

Filed by Senator Dudycz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYDZ:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I first would like to tell you that I spoke with both the Minority Spokesman and the Chairman of the Senate Executive Committee, who have both agreed to ask that we allow this resolution to be heard on the Floor, to bypass Senate Executive Committee. What the resolution does, it expresses the Senate's disappointment at the widespread promotion and distribution of the audio recording "Cop Killer", recorded by the recording artist Ice-T. This recording clearly encourages violence against law enforcement officers.

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With the staff analysis that was placed on each Member's desk, there is -- in addition to the staff analysis, there is a copy of the resolution and the lyrics - the graphic lyrics - to the recording. And I caution the Members that -- if you are offended by extremely explicit violence and sexual lyrics, be very careful, if you -- you do not wish to read them. The background -- the Warner Brothers recording of the "Cop Killer" song describe an individual preparing to assault and kill a police officer. This resolution expresses a -- the Senate's disappointment at the widespread promotion and distribution of this recording, which clearly encourages violence against law enforcement officers.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Jacobs.

SENATOR JACOBS:

Yeah. You know, these are always difficult ones to stand up and talk about...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me, Senator Jacobs. Wait a minute.

SENATOR JACOBS:

...especially if you -- you're not one hundred percent convinced that this is the right way to go. I'm not -- I'm not really sure -- you know, a song that's been out a number of months -- we have some problems, no doubt. No one wants to stand up and have any record talk about killing cops. As a former mayor -- you know, we lost a police officer, and it's very, very difficult. But yet at the same time, you know -- I guess if we're going to do this one song, then we should come up with something, Senator, that -- that gives us a -- a base, if you will, and get into censorship in its truest form. And this issue is truly not about this song; it's truly not about this issue; this is truly about just violation of -- of rights, and of the First Amendment - Freedom of Speech. We would not stand up and -- and attempt to

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pass legislation which would, in fact, come down, if you will, on the media, because they might print something which you think is inflammatory. And I don't think we would attempt to -- to censor that body, because they are covered by a Constitution. I take the Constitution very seriously. And I take it as something that we should all live by. And until we want to change that Constitution, I think we should live under that Constitution. And -- and sure, I believe everyone - it's no different than seat belts or smoking or anything else. I voluntarily quit smoking. I think everybody should quit smoking. Do I think we should outlaw smoking as a -- as a complete wave of our hand? The answer is No. And that's our problem; we always tend to want to take care of the isolated incidences. And, Senator, I'm not saying this is being done for political reasons, and -- 'cause I know you're not that type, but yet it does smell of it a little bit. And hopefully we'll look at this bill at its very base of sense and not really look at it from a standpoint of what maybe is the political proper thing to do. I'm not sure if this is a politically proper issue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Dudycz may close.

SENATOR DUDYCH:

Well, Senator Jacobs, you know, whether we do it or not for political reasons, you know I am a police officer in the City of Chicago, and I do take personal offense to this recording. And like you, I do take the Constitution very seriously, but we're not asking for censorship. We're not asking to violate anybody's constitutional right. If you read the Senate resolution, what we're asking for -- or actually, we're just expressing our disappointment at the widespread promotion and distribution of this recording, which clearly encourages the -- the injury and death to our law enforcement officers. And I seek your unanimous

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approval.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard the motion placed by Senator Dudycz. All 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 51, the Nays are none, none voting Present. Motion carries. Senate Resolution 1454 will be on the Secretary's Desk and show up on the Calendar tomorrow. Senate Joint Resolution 180. The motion, Senator Severns. Madam Secretary, Senate Joint Resolution 180.

SECRETARY HAWKER:

I move to discharge the Committee on Executive from further consideration of Senate Joint Resolution 180, and that it be placed on the Secretary's Desk.

Filed by Senator Severns.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. This proposal is one of the State Government efficiency recommendations of the Human Services Solution Coalition. It requires the various State human service agencies to meet with representatives of community-based organizations that provide State services on a grant and field or contract basis and explore the opportunities for streamlining existing State regulations and field audit requirements, as well as reducing paperwork burdens that exist for direct service providers. It had terrific success in the State of New Jersey, where the paperwork simplification of twenty percent was the goal, and I think that in Illinois, not only should it be a goal always, but given the limited resources, it should be a special goal this year. The resolution would require that we have

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a report back to the General Assembly by December 1st, 1992 with recommendations to act. I -- I know of no opposition, and would seek your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? All right. Senator Severns. You've heard the motion. All in favor of the motion, vote Aye. Those 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, the Ayes are 55, the Nays are none, none voting Present. The motion carries, and the resolution will be on the Secretary's Desk. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would ask leave now to also go to the Motion in Writing with respect to House Bill 3275, which was earlier filed, and was today earlier skipped over in an attempt to move this Calendar along.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. With leave of the Body we will move to the motion on House Bill 3275. Leave is granted. WGN, WSSU, WAND and a number of others have requested permission to videotape. Is leave granted? Leave is granted. So ordered. Madam Secretary, House Bill 3275, the motion.

SECRETARY HAWKER:

I move to discharge the Committee on Rules from further consideration of House Bill 3275, to place the bill on the Calendar on the Order of 2nd Reading, and to waive the deadline for 3rd Reading and final passage with regard to the bill.

Filed by Senator Rock.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate,

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I will be mercifully brief. I don't think there's anyone here who does not understand the subject matter, and the motion is a simple one and one that we've done on many occasions in this Chamber. The motion is to discharge the Rules Committee from further consideration of House Bill 3275, and asks that the bill be placed on the Order of 2nd Reading, and further, that the rules be suspended so that this bill can be ruled exempt so that we can hear it - so that we can hear it. And I think that is the crucial idea. This is a hundred-and-twenty-eight-page amendment. It was Amendment 29 that was placed on the House and deals, I'm sure everybody knows, with the creation of a Metropolitan Airport Authority. On the 21st day of May of this year, we had a Senate vote on a vehicle, and that vote -- by that vote, the Senate turned down the passage of that vehicle, knowing full well that at some point this matter would be before us. And I guess the question is, why now? Why not earlier? The agreement was not finalized earlier, I'm sorry to say. There was a Memorandum of Understanding on February the 20th of this year entered into by the Chief Executive of the City of Chicago and the Chief Executive of the State of Illinois, but in an attempt to implement that, there were competing drafts that were being negotiated and compromised, and the fact is, there was not a meeting of the minds until very late in the month of June. And then on June 17th those two Chief Executives met with the Governor of Indiana, and Indiana signed on. So we now have literally a three-way Memorandum of Understanding, which is reflected in the hundred-and-twenty-eight-page amendment, which creates this Metropolitan Airport Authority. It was argued, as everybody knows, three different times in the House, and finally successfully negotiated the House, and is now before us. But I guess the further question is - when you say why now - why not now? We are confronted, I think, with the unique opportunity to

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gain - as I understand it from Mr. Skinner and others - to gain close to two billion dollars in federal money for this purpose. The sooner we get going with respect to the permitting and master planning process and those decisions that have to be made, with -- with respect to site boundaries and runway configurations and remediation of environmental concerns -- the sooner we can get going on a regional consensus basis, it is felt, the more successful we will be in terms of dealing with the Federal Government. Very briefly, this amendment - this proposal - concerns itself with the planning, development, acquisition, construction, ownership and operation of the Lake Calumet Airport and the ownership, operation, expansion, improvement of the metropolitan airports on a regional basis. And that is the key to this whole understanding: that for the first time in the history of man, in the City of Chicago there will be a regional governance of the metropolitan airports. It has been estimated - and I'm sure you've seen the ream of paper that has visited our desks in the past couple of days - it's been estimated, and we have competing editorials even, that we're talking about the creation of forty thousand jobs with no State financial commitment. No State financial commitment. There's approximately five -- it calls for the issuance of five billion dollars in bonds, a billion or two billion in federal money, and money from fees and charges at O'Hare and Midway Airport, and passenger facility charges. It is, indeed, a ten-billion-dollar project, but there is no commitment for State money. It just seems to me, given the location, where we will have an opportunity within the boundaries of that proposed site - a site that has thirteen hazardous waste sites, fifteen landfills, twenty-seven dumps, and at least a hundred and fifty-eight underground storage tanks, and we will have the opportunity to do something about it and make it better - it seems to me, Ladies and Gentlemen, that we ought to at least -

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at least - afford House Bill 3275 the opportunity to be heard and debated in this Chamber, and that literally is, at this moment, all I am asking, and I solicit an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, of course, object to this motion, and ask for a roll call. And I might say this, Senator Rock: at the eleventh day, the eleventh hour, to come in here without public hearings or committee hearings on a bill that may end up costing over eleven billion dollars, with some State money. Anybody on the Floor of this Senate here thinks it's no State money at all, it's absolutely incorrect. But let me suggest this to you - that the TAMS Report -- of those fourteen sections of the TAMS Report, the one that has not been released is the one on the financial condition - how they're going to pay for it. We haven't seen that as of today. The reason is because they're two billion dollars short. Where do you think that two billion dollars is going to come from? I would suggest to you, we do not need this commission. Let them -- and I've said this all along: I am for a third airport. Understand that. I am for a third airport. I think they picked the worst location. Let them go to the Federal FAA and the EPA and get their permits, and then come back to the General Assembly and say, "We have the permits." I will help you -- you form that commission, and we'll do the right thing. So let's get on with this. Let's put this thing to rest here at the eleventh day and the eleventh hour.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I am also for a third airport, but

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there are so many questions on this particular bill - this particular idea. I don't want to see us rush this. Look at your analysis. Look at the fact that more than eight thousand homes have to be torn down; that there are plants that are manufacturing that will be jeopardized; that we're not really even sure that this is exactly where the airport will be located. I want jobs more than anybody in Chicago, but this is an ill-considered idea. It has not had time. I really would urge us not to consider it right now. At least let's wait until, at the earliest, November, to give us time to hear this properly and to examine the options. I have not even seen or been asked to look at what the alternatives are, and I'm sure there are many in this room who are in this similar situation. This is right next door to where my district is and where many of those of us in Chicago live and work, and I really think this is ill-considered. I ask you to give it more time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. This bill ought to be called the "3M Bill" 'cause it's full of myth, mystery and misinformation. Senator Rock, you do not need this bill to go forward with the siting of a third airport. In fact, I would submit to you that this bill would, in fact, be an obstacle, because this bill has nothing to do with siting; it has to do with authority. And I can tell you right now that those people who are opposed to this site are poised to litigate that issue, and you will only furnish them with more information and opportunity if this bill passes. Let me read for you just one little paragraph. "The decision to do the study on Lake Calumet was decided back in February. That is not an issue. Nobody who opposes this bill is opposing the opportunity for the City of Chicago to have their airport site

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looked at." The FAA says this in writing. That is the preferred site. That is the site that will be studied, and anybody who thinks this bill is going to put the siting process on the table is absolutely incorrect. This bill has absolutely nothing to do with that at all. This bill also says it's going to save Midway Airport. I don't know who represents that area, but I would never perpetrate that kind of hoax on anybody. You don't need to be an aeronautical engineer to know that if Lake Calumet is sited, that Midway is gone. The entrance into O'Hare and Midway and the new airport come on a four-poster configuration. And it isn't the holding pattern that's a problem, because everybody in that holding pattern is given an altitude. There's only one problem: they have to come down and they have to go up. And when you do that, you cross those altitudes. There is no holding pattern for a plane going down; there's no holding pattern for a plane going up. There's no way - no way - that Midway Airport could be saved with this bill. Let's get to the misinformation part. I listened to the House debate, and it said this bill creates jobs. First of all, the only jobs this bill creates are the saving of those jobs that are on the City of Chicago's payroll that are moved to this Authority when this Authority is formed. That doesn't create any; it just saves some. In fact, in this bill it also says this authority doesn't even have to accept the agreements that are made for the employees that are currently employed. The fact of the matter is, the only thing that creates the jobs is an airport that's sited, and, as I have said, this bill does not site an airport. But let me point out to you, of all the five sites that the process came down to, this site - this site - had the least amount of jobs, and those are not my numbers; those are the City of Chicago's numbers. Because when you net out the jobs that are lost, and you net out the downsized configuration of this airport, and you then take into consideration the additional cost, the

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forty-one thousand jobs that are created will cost two hundred and seventy-six thousand dollars apiece to produce. I don't know of anybody in this General Assembly, or anybody in the State of Illinois, or anybody in this country, that couldn't create a job for two hundred and seventy-six thousand dollars. The -- the other sites, in fact, create far more jobs at far less expense, but we're not arguing those other sites; we're just arguing the process. And the mystery part of it - and I could tell you, there's many other parts of this bill that are flawed - but the mystery part of it is the missing two billion dollars of funding. It has been stated that the airport, which the numbers -- the consensus was agreed on, would cost nine billion dollars. Well, frankly, there's some things left out of that. But when the numbers were put to it, it showed a deficit. Now let me just tell you, I've been on this Bi-State Committee for quite a long time. We have received approximately forty-five working papers. There's only one we did not receive, and that was paper number seventeen. How many people have seen paper seventeen? Anybody seen it? I want to show it to you. Here it is: "Lake Calumet 2A - Construction Fund Deficit." Now a construction fund deficit is simply the amount of money that you can't fund; that means after the FAA provides their money, after the Feds make their contributions, after the fees you're going to charge the airlines, there's a two-billion-dollar number beyond that. Two things -- the mystery is two things. One, how are you going to get the bonds in the first place if you can't answer the two-billion-dollar funding mystery? And number two, if you have the answer, how are you going to leave out the State of Illinois? This report was given to the sponsors back in April. The reason we were given for not seeing it, is they haven't had a chance to look at it. The most single important part of this airport - and that is how are you going to pay for it - haven't been able to

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look at it; haven't had time. I would submit to you that if we are truly interested in siting a third airport, that we let the process move forward, with the sponsors joining in, and submitting the grant -- the request for the grant for the master plan. Send it to the FAA. The FAA, in their letter, darn near says it's a no-brainer. Let's get that money. Let's do the master plan, but let's do it with Technicrafts. Let's do it with people who know aviation. Let's not do it with a board that's set up by a couple of people. Let's let them do it - the people who are professional; because, if you're really going to get an airport, you're not going to get it because the people -- couple of people wished they had it. You don't site airports like, perhaps, we do bridges around here or some roads. Airports are paid by user fees. And I got to tell you, the people that pay for it have to show up at that dance, 'cause if they don't show up at that dance, you don't have a dance. And if they don't come to that airport, you have no airport. There is a tremendous amount of suspicion out there about what's transpired so far. Let's remove that suspicion by defeating this proposal and moving the process forward in the manner that it should. I urge your strong No vote for House Bill 3275 -- or for the discharge motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. We have additional speakers of Senator Brookins, Topinka and Raica. The Chair would also like to remind the Members that there is some time constraints that we have not imposed. Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President and Members of the Senate. The district and area that we're talking about is my district. I represent the whole, entire area - all but the portion that will be outlined in Indiana - and therefore, I have been concerned about this bill for some time. I have attended meeting after

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meeting. I have read as much as I could read about it. I've agonized, and I've talked with people that know - or I think that know - that are experts in this area, and we talked about the environment and what it would mean to the environment on the East Side of the City of Chicago, where there's more dumps - garbage dumps - than any other area in the State. We talked about the residents of that area, where the cancer rate for white men is higher than any other area, not only in the State, but in the country, and that's the measurement of the cancer rate for anyone is where cancer is started in white men. Then we talked about the crib death, and babies dying on the East Side of the City of Chicago in Roseland and Altgeld Gardens and et cetera, and what this may mean to that effort. I have not come to a determination as to where I stand on this proposition, but as -- I know that we need to allow our President to have this bill in a position where these questions can be answered, where we can answer the question and ask the question of him to what happened in these few areas of subject matters that I have pointed out to you. Yes, the jobs are important; because, as I go back to the City of Chicago and drive through my community - and that's the community of the East Side - all we see is groups of men standing vacant on the corners, where once factories burst with energy and supported the whole State of Illinois. Because that is the truly working area -- a working area of the City of Chicago, but now they stand idle and they drink wine and they use drugs in that area. And I would like to know what we're going to do, or is there anything in this bill that will alleviate that? So, Mr. President, I will help you put this bill on the Floor, so we can debate and get answers to these questions, and I would like also, as Chairman of the Transportation Committee of the Senate, to be included in this Conference Committee Report. I think that should be honored. Thank you very kindly.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. -- Mr. President, Ladies and Gentlemen of the Senate, I will try to be very brief, because I know of the time constraints, and not to cover issues of concern that others have already brought forward, but I think when we look at trying to -- to somehow transfer the domiciles of fifty thousand-some people, when we were unable to very quickly and effectively do this for those that we uprooted in our Comiskey Park antics of a Session ago, I think we really have to look and see how we can do this in an adequate fashion. I continue to worry about the closure of Midway Airport, because I would agree with Senator DeAngelis. There's no way this is going to stay open, and this is a major economic development and boon to the West Side of Chicago, which affects my district and the commerce of that whole area. And if that's the case, where is the multimillion-dollar Elevated extension going to go that is soon to open there? Because it will go to a ghost airport. And really, why have we spent the funds if this is what we intended to do? And I think, finally and foremost, I personally would not be able to sleep nights down the road apiece when, as a significantly older person, twenty years from now - 'cause that's how long it's going to take to build this airport and tie up our public works projects for the entire State of Illinois, including Central and Southern Illinois - when some 747 or some other modern version of that, carrying two hundred and four hundred people, is going to suck up a load of -- of cranes and ducks and birds, because there's two migratory patterns of birds that converge on that site, making it a terrible safety hazard. I don't want to read the headlines down the road apiece that that's happened because we voted on this bill and rushed through it without adequate debate that should have come in

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committee, that should have come to the public and not reached this Floor in this form this quickly. Senator Palmer's right; it's too fast. I think we have to have the time to debate this the way it should be debated - the way this Legislature was set up for debate. And ultimately, we need some public input, not just being done here in the quiet of conference committees.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? We have Raica, Geo-Karis, Butler and Jones. Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise as the person who currently represents Midway Airport and the surrounding communities, as does Senator Topinka. But I also have to share the concerns of my seatmates, Senator Butler and Senator Dudycz, who represent O'Hare Airport. One of the biggest problems that we had at Midway, especially just before the holidays, is the people of Midway Airlines that were laid off because Midway Airlines moved. Just prior to the announcement of the third airport, everyone heard that Midway Airport, period, was -- was going to be closed, and then all of a sudden everybody changed their mind again and says, "No, it's not going to be closed; it's going to remain open." I have to agree with Senator DeAngelis and Senator Philip. There's no way possible that Midway Airport's going to remain open if there's a third airport, and that airport -- the site that's going to be chosen is going to be the Lake Calumet site, for number one, it's too close; number two, it'd be too dangerous - too dangerous - to keep Midway Airport alive with that third airport being at Lake Calumet. I heard Senator Brookins state that he could look outside now and see the barren factories and the stores, and the people on the corners that are drinking and going to be displaced. Senator Brookins, there's only one problem - that this Lake Calumet is not the

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answer. These people are just going to be displaced. They're going to move -- they're going to be spread all over the State, and they're going to still be drinking on the corners. This is not an employment opportunity for these people that are on the corners now. Nine thousand homes we're talking. If that were in my district - how do you go about and tell somebody in their district, we're going to move nine thousand homes and over fifty thousand people - just out-and-out move them? There's other sites available, but we want to take and move everyone and get them out. These people worked all their lives to own the type of homes they have in Hegewisch and Pullman and Roseland and all these other communities, and now we're going to turn around and we're going to say, "We need that land; you're going. That's all." Southwest Airlines has just put on three hundred people that used to work at Midway Airlines. You think any airlines is going to want to move into Midway Airport now or within the next five years if there's a possibility that that airport's going to be closed? Not at all. For that reason alone, I'm going to have to stand with my community and say No. This is not the idea, and this is not the way to go.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, there are many factors here that we have to consider, and this is a very big capital project. It's a ten-billion-dollar or more project. And as Senator Palmer said earlier, we need time to look into it very thoroughly. I'm not against a third airport. However, when you figure out there are about ten thousand homes and about sixty thousand people who are going to be displaced, are we really doing our duty without taking a lot of time to go into it very thoroughly? I have talked to people who have built

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airports and what have you, and they say there are other sites that may be more desirable. And I don't think this is the time to go into this one now. There's another matter, environmentally. It's going to be hundreds of acres of Cook County Forest Preserve land, the William Power State Conservation Area, and City of Chicago parks will be condemned and cleared to make way for the airport. I think we have to have some environmental concerns, and that, plus the fact that it's a very expensive project and there's no free lunch. And when I hear that it's not going to cost us anything, anyone who believes that is completely wrong. It's going to cost, 'cause we are the taxpayers. The money for that airport eventually is going to come from taxpayers. So I don't feel this is the time to go into it, and I ask for a No vote on this motion.

END OF TAPE

TAPE 3

PRESIDING OFFICER: (SENATOR DEMUZIO)

...(machine cutoff)... Senator Butler.

SENATOR BUTLER:

Thank you -- thank you very much, Mr. President. I guess all of you know where I stand on this issue, but I'd like to point out just a couple of things. First of all, I think we're rushing to disaster here. What's the rush? We are -- we are faced with a multibillion-dollar project. We're talking about forty thousand jobs - forty thousand jobs. Fifty thousand people have to be removed from their homes. That's a great, great equation, isn't it? Forty thousand jobs, fifty thousand people, nine thousand

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homes. There'll be just as many jobs created probably by knocking down the homes as there is building the -- the darn airport. We have to slow down and think this thing through. My own concern - my own concern - is the fact that I think the Sections in the -- in the bill pertaining to the noise abatement possible at Midway and possible at O'Hare are a sham. It's a big con job. Anybody who has dealt with this issue for any length of time knows that a local committee or commission cannot dictate flight patterns, cannot dictate airport capacities. This is all a Federal Government preemption. So, Ladies and Gentlemen, if any of you think that this bill will help the people in the O'Hare area, forget it. I'm here to tell you it will not. Ten years from now we could be standing in this same spot; the same problems will be -- will be occurring. And if there's additional runways, let me tell you, there will be a hundred thousand people more. And I'm not exaggerating that figure. A hundred thousand people more will be impacted by noise and pollution in the O'Hare area. I think we ought to slow down. I realize we're talking a procedural motion here, but let's slow down. Let's -- let's have more information. Senator DeAngelis brought up a fact just now of a very important section of the TAMS Report that was hidden - absolutely hidden. Why are we rushing this thing? Let's slow down. Let's take a good look. Let's get the Senate -- let's get the Legislature involved in this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President. I rise in favor of the motion so this matter can be thoroughly debated by this Body. One who would be impacted by the proposed third airport being located in the Lake Calumet area is a area that I grew up in; I spent all my life in that community. My parents moved there in the mid-teens -

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around 1916 - in that area. And as I grew up as a kid, we had industry all in the West Pullman area, the Pullman freight car and the Pullman cars were located there at 111th and Cottage Grove. Many persons worked. Further east, you get across where you had your steel mills. Now all those plants sit idle. No one is there whatsoever. And I chaired the -- the committee to investigate the hazardous waste in the Lake Calumet area. It would take twenty billion dollars or more just to clean up that hazardous waste. This airport will solve many problems. It is progress. Some people make a career out of being against. They are against everything. More -- waiting is not going to solve the problem. I think Illinois and Lake Calumet deserves the airport. The people deserve it. But I'm not going to sit here and pretend that we don't want it. Take Washington National Airport in Washington, D.C. Take Dulles Airport. Everyone goes into Washington National Airport for its convenience. They are talking about placing the airport elsewhere. You place it elsewhere other than this particular location, the city, as we know it, would die in the next twenty-five, thirty or forty years, because I'll be durned if you're going to pay a hundred dollars in cab fare to get from Peotone to the City of Chicago to all the arts and theaters that's located there. So who's kidding who? The time is now for us to act, and this airport would provide many jobs. I know that. And when we talk about folks standing on the corner, this is an opportunity. I don't want to miss the opportunity. All during the course of the campaign that we went through, I went to many meetings out there, with many ministers and community groups who are in strong support of this airport. In the Altgeld area, in the Roseland area, in the Washington Heights area - they are in favor of this airport. So what we going to wait for? Wait till Indiana take it from us? No, there's no time to wait. The time is now. Those who are against, if we waited another year, they'll

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still be against. The time for us to act is act now. Let's vote on this motion and get the business of the State taken care of.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Rock may close.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I too will be brief, but I just -- perhaps I'm missing something here. But it seems to me that the Bi-State Policy Committee has been in existence two, three, four years. Innumerable hearings have been held. Innumerable testimony has been taken. I mean, I -- I just think - I feel - that we're in the wrong venue to re-fight the site selection. Those studies and whatever information was not afforded to the members of the Bi-State Policy Committee - I'm sorry. I'm just truly unaware. If there was something that you didn't get that you should have gotten - somebody's fault. Not mine. What we are attempting to do by virtue of this motion, with respect to this bill, is to set up the governance, and the governance is to be shared between the City of Chicago and its Mayor, and the State of Illinois and its Governor, and ultimately the State of Indiana and its Governor. And there isn't any question in anybody's mind, I hope, that this motion cannot succeed without bipartisan support, any more than that Board can succeed - than can the Metropolitan Airport Authority Board - because for the first time, pursuant to a Memorandum of Understanding entered into in good faith by both those individuals, there is a shared authority between the suburbs and the City and the State of Indiana with respect to the operation and control of regional airports. And as a matter of fact, the Governor and his appointees have virtual absolute veto power by virtue of the provisions in 3275. So again I reiterate: it will have to be bipartisan to succeed - both tonight and in the future.

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And more than that, it will have to be regional, and that's, again, where I disagree with Senator DeAngelis. It will have to be regional - a result of regional consensus - to affect federal approval. I mean, if the Secretary of Transportation goes out there, or the City Department of Public Works, or you, as a member of the Bi-State Policy Committee, and all of a sudden you make -- you are making the decisions with respect to master planning and permitting, and you are the one that determines the site boundaries, and you are the one that determines the runway configurations and how many runways there are, and you are the one - pick somebody - you are the one to commit to the remediation of the environmental problems, then you're going to appoint a board to make these decisions? That, I suggest, is backwards, because you won't get those kind of permits or approvals, unless there is presented a regional and a bipartisan consensus. I seek the same consensus this evening, and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Rock has moved to discharge the Committee on Rules from House Bill 3275, to place the bill on the Calendar on the Order of 2nd Reading, and waive the deadline for 3rd Reading and final passage. All 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? Last call. Have all voted who wish? Take the record. On that question, the Ayes are 25, the Nays are 31, 3 voting Present. The motion, failing to receive the required 30 votes, is declared lost.

PRESIDENT ROCK:

All right. Ladies and Gentlemen, we will revert back to the Calendar. Senator Demuzio had a motion on the Supplemental Senate Calendar No. 2 that he was kind enough to defer while he was presiding. Madam Secretary, page 2 on Supplemental 2, there's a

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motion with respect to Senate Bill 1071. Read the motion, please.

SECRETARY HAWKER:

I move to waive Senate Rule 5C with regard to Senate Bill 1071, and that the bill be exempted from the Committee on Rules, so that it can be considered by the Senate.

Filed by Senator Demuzio.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. This bill will be used as the vehicle bill to clarify some language with respect to the sulfur dioxide bill that we passed in the previous Session, and I would move to -- that it be declared exempt, so it could be considered this Session.

PRESIDENT ROCK:

All right. Senator Demuzio has moved that Senate Bill 1071 be ruled exempt for the purpose of consideration this Session. Those in favor of that motion will vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 49 Ayes, 3 Nays, none voting Present. And the motion prevails. Do you want the resolution also? All right. Top of Supplemental Senate Calendar No. 2, on the Order of Secretary's Desk, Resolutions, Senate Resolution 1465. Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 1465.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

...(machine cutoff)...you, Mr. President, Ladies and Gentlemen of the Senate. This is sponsored by myself, Senator Davidson and Senator Rea, and this pertains itself to the Public Act 87-193

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<sic> (87-173) which, in fact, was Senate Bill 629 from the previous Session. As you probably know, there -- it was the bill that provided Illinois Power and Commonwealth Edison, and a number of other utilities with -- with funding for the purpose of -- of requiring them to establish scrubbers on their power emissions. What this resolution would in fact do would say to the Commerce Commission that in the exercise of its power to approve or reject Clean Air compliance plans, that they should approve only those compliance plans which would fulfill the intent of the bill that we passed the previous year. And I would ask the Senate Members to afford me the opportunity to pass this resolution so that we could establish legislative intent.

PRESIDENT ROCK:

All right. Senator Demuzio is moving the adoption of Senate Resolution 1465. Discussion? Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President and Members of the Senate. I join with Senator Demuzio and the other people from the coal country in urging the adoption of this amendment. We should memorialize the Commerce Commission to do what -- how Senate Bill 629 required, and further, I think it requires that they report to this General Assembly on January of 1993. I too move the adoption of this resolution. Thank you.

PRESIDENT ROCK:

Further discussion? Senator Demuzio, you wish to close? All right. Question is the adoption of Senate Resolution 1465. Those in favor will vote Aye. Opposed, vote Nay. And the voting's over <sic> (open). All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, no Nays, 1 voting Present. Senate Resolution 1465, having received the required constitutional majority, is declared passed. All right. All right. Ladies and Gentlemen, with all the

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respective Calendars and motions and so forth, we are going to make a run through Secretary's Desk, Concurrence. So I would ask the Members to please take a look at their own bills, examine your own conscience, and see if indeed you really want to call this stuff. Senator Collins, on 1337? Yes, no, or maybe? Senator Collins, you just made a motion to have the bill ruled exempt. The question is now, do you wish to concur or not concur? On the Order of Secretary's Desk, Concurrence, Senate Bill 1337. Madam Secretary, please.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1337.

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and Members of the Senate. I move to concur with House Amendment 1. I was told by the AG's Office that -- because we had two bills at the same time, but there was an amendment that needed to go on this bill that was included in the other bill that I had, that is essential for the smooth administration of this bill. So I would move to concur with Amendment No. 1.

PRESIDENT ROCK:

All right. Senator Collins has moved concurrence in House Amendment No. 1 to Senate Bill 1337. Discussion? Senator Raica. On this bill?

SENATOR RAICA:

Question of the sponsor, Mr. President.

PRESIDENT ROCK:

She indicates she will yield.

SENATOR RAICA:

Thank you, Mr. President. Senator Collins, it's my understanding - and maybe you can just help me along here - that

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there's an identical bill that did pass this Body. Is there another intention for this? Are you going to throw this someplace or...

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

If you recall, there was an identical bill passed, but it had this amendment on it. I had a bill, the AG's Office had a bill, and so it got into that whole thing about whose bill was going to go to the Governor's desk. The AG's bill went to the Governor's desk, but you did support my bill. So this is an amendment here for clarification that I think we worked out. It was an agreement on an amendment that went on -- that was supposed to have gone on the bill that passed. It was on this bill, so they -- that's all it is. So you're not changing the law.

PRESIDENT ROCK:

All right. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1337. 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? All voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. Senate Bill -- the Senate does concur in House Amendment No. 1 to Senate Bill 1337. And the bill, having received the required constitutional majority, is declared passed. 1567, Madam Secretary, please.

SECRETARY HAWKER:

House Amendments 1 and 2 to Senate Bill 1567.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. I would move to concur with House Amendments No. 1 and 2. House Amendment No.

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1 is identical to House Bill 3454 that passed the Senate Transportation Committee on the Agreed Bill List, but was not called on 3rd Reading. That requires the State's attorney to notify the clerk of the court when offenses have been committed that should result in a driver's license being cancelled or suspended by the Secretary of State, so the clerk can notify the Secretary of State that the offense was committed while the person was in control of the motor vehicle. The second amendment creates the Veterans' License Plate Fund and allows the Secretary of State to issue special veterans' license plates for an additional fee to be used by the Secretary of State to help defray plate manufacturing and processing costs. I would ask for an Aye vote on the Motion to Concur.

PRESIDENT ROCK:

The Gentleman has moved concurrence in House Amendments 1 and 2 to Senate Bill 1567. Discussion? Senator Welch.

SENATOR WELCH:

I had a question of the...

PRESIDENT ROCK:

Indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Cullerton, is this the bill that has the fifteen-dollar fee and includes the Marines and the Navy and all of the other service corps in it? Is that the same bill?

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

The only difference is the sponsor. The -- the last bill was sponsored, I believe, by Senator Philip. This is sponsored by Representative McAfee and myself.

PRESIDENT ROCK:

Senator Welch.

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SENATOR WELCH:

Does it also take out "Land of Lincoln" from the license plate, like Senator Philip's bill?

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Yes, it does, and that was at the request of the law enforcement officials, so that the size of the plates could remain the same and so it could also be designated as having a veteran's designation.

PRESIDENT ROCK:

Further discussion? If not, the question is, shall the Senate concur in House Amendments 1 and 2 to Senate Bill 1567. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? 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 27 Ayes, 25 Nays, 2 voting Present. The motion fails, and the Secretary shall so inform the House. Senator Macdonald. 1635. Senator Leverenz. 1667. Senator Philip. 1713. Madam Secretary, page 21, Secretary's Desk, Concurrence, Senate Bill 1713.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1713.

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President. Senate Bill 1713, as it went over to the House, simply had a permissive increase for election judges for Cook County and Downstate, and then the House added quite a few amendments. Nothing controversial. The staff tells me that they have no objections to it. So I would move that we concur in Senate Bill 1713.

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PRESIDENT ROCK:

Gentleman has moved the concurrence in House Amendment No. 1 to Senate Bill 1713. Discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. I rise in support of this bill because the election judge stipend, I think, is significant and important. But this bill is an example of what's the matter with the process. An innocent bill comes back with twenty-some amendments that didn't have public hearing or public discussion. Sometimes you've got to wonder what's going on on the other side of the Chamber. But we should go with it. Because there's enough merit in it, we should. But people wonder what's the matter with the process. This bill is a perfect example of what's the matter with the process.

PRESIDENT ROCK:

Question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1713. 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 56 Ayes, no Nays, none <sic> (1) voting Present. Senate does concur in House Amendment No. 1 to Senate Bill 1713. And the bill, having received the required constitutional majority, is declared passed. 1667. Senator Leverenz. Yes, no, maybe. No. 1986. Senator Welch. Senator del Valle. 1992. Madam Secretary. We're at the bottom of page 21, Ladies and Gentlemen. Bottom of page 21, on the Order of Secretary's Desk, Concurrence, is Senate Bill 1992, Madam Secretary.

SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1992.

PRESIDENT ROCK:

Senator del Valle.

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SENATOR DEL VALLE:

Thank you, Mr. President. I move to concur with House Amendment No. 1. It defines "homeless individual" and authorizes the registration of homeless individuals. It establishes registration requirements and procedures, and expands the category of permissible deputy registrars. This bill was developed in consultation with the State Board of Elections, and the State Board of Elections made the bill available to all county clerks for their comment. The Clerk of Cook County testified in support of the bill, and I ask for support for the Concurrence Motion.

PRESIDENT ROCK:

All right. The Gentleman has moved concurrence in House Amendment No. 1 to Senate Bill 1992. Discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. I stand in opposition. First of all, as a co-sponsor of this -- of this Senate Bill -- we passed it out of here, sent it to the House. It contained the -- the portion of the permissive pay raises for the election judges. It came back with -- with the -- what is known as the "homeless person provision," and it's -- first of all, as far as that homeless provision -- homeless person provision, there is a very serious possibility of vote fraud, and I'll tell you why. With this bill, anybody can be registered to vote from a post office box. There is an immediate effective date involved in it. And I think it's too weak, and -- plus the portion that I was cosponsoring is already included in Senator Pate Philip's Senate Bill 1713. We just passed it out of here unanimously, and for those reasons, I would hope that we just defeat this bill.

PRESIDENT ROCK:

Further discussion on the move -- on the Motion to Concur in House Amendment No. 1? Senator Marovitz.

SENATOR MAROVITZ:

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Thank you, Mr. President. Couple questions of the sponsor.

PRESIDENT ROCK:

He indicates he will yield, Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much. Senator del Valle, how do we determine if someone is homeless, and how long do they have to reside in the precinct where they're going to vote? That's my start. That's number one.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator del Valle.

SENATOR DEL VALLE:

The purpose of this bill is to establish a definition of homelessness, and the definition is -- is "an individual who is lacking a traditional home." That is the definition. And so therefore, the individual who -- who does not have a permanent address would be able to then utilize the address of a shelter or a social service agency or another location where they can verify that they will receive mail. This does not change the requirement for identification. Individuals would still have to produce the same identification requirements as all other individuals who register to vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

Following up on that - how long does somebody have to reside in a precinct to be able to vote there? I mean, what I'm trying to prevent is situations where - oh, let's just say hypothetically - a particular candidate might round up several hundred homeless people, bring them to a shelter one night, and ask them to vote the next day -- or one week.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator del Valle.

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SENATOR dEL VALLE:

No. In order to do the registration -- and as you know, registration closes thirty days prior to an election, so that couldn't occur. And in order to do the registration, the registration officer - and I'm reading from the bill - "shall require a homeless individual to furnish evidence of his or her use of the mailing address stated. The use will be demonstrated by a piece of mail addressed to that individual and received at that address or by a statement of a person authorizing the use of the mailing address."

PRESIDING OFFICER: (SENATOR COLLINS)

Further...

SENATOR dEL VALLE:

So the...

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Alexander.

SENATOR ALEXANDER:

Thank you, Madam President. And to the Members of the General Assembly: I rise in support of this very excellent motion. We are asking people to become involved in the electoral process and system, yet and still there is thousands upon thousands of persons who, by no fault of their own, have found themselves as being homeless. Are we going to continue to disfranchise them of their voting rights as guaranteed by the Constitutions of this State and the Constitutions of the United States? This bill and this particular amendment is now due in time for passage. Thank you.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and Members of the Senate, I -- I recall as a young man in college and in the Army, when I was away from this State, constantly being the butt of jokes about vote fraud in this

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State. I think we've made a lot of progress in the last twenty years to, if you will, get our reputation back where we'd like it to be. I cannot think of any piece of legislation I've seen in the last twenty years that would open the door wider, not only to vote fraud, but to exploitation of the very people the bill purports to help. This is an incredibly bad idea. Obviously, if someone is homeless and down and out, and they -- they move into a shelter, affiliate with a halfway house, establish a residence, they don't need this bill; they can register to vote. I think Senator Marovitz made the point with the crazy lines we draw in our remap process. Who knows where someone who's homeless range is, so to speak? They may be in four or five different legislative districts, three or four different wards, certainly -- and certainly Downstate many of our communities are cut in half by boundaries for county board and State Legislature. We are putting a burden on the election authorities that is almost impossible for them to fulfill. We are throwing open the doors to massive vote fraud, and -- and probably the thing that distresses me the most, knowing the nature of vigorous election campaigns, we are exposing these very people to being exploited on a scale unseen in this country. This is an idea whose time has not come, whose motivation may well be good, but we don't -- we genuinely do not wish to do this thing.

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 del Valle, I have been helping with the Pads Program in DuPage County, which is our homeless program, in effect. What

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the Pads Program does in the Collar Counties is they set up pads. They put down pads at different churches every single night when it's cold out, and those people go from one church to another church. On Mondays they may meet in my church. On Tuesdays they meet in another church, perhaps in another town. On Wednesdays they meet in a third church, and so on. We have different county boards. We have different precincts every single night. There's no way that this can possibly allow a so-called homeless person to register. In fact, our Pads Program doesn't even last in the spring and summer and early fall. It only goes from October until about March. So, you know, I -- I understand your motivation. I think your heart's in the right place, but I don't think it's going to be able to work, at least not in the rest of the State.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Madam President and Members of the Senate. I have heard the questions about whether or not a person who is homeless - and usually through no fault of his or her own - should be permitted to vote. What an outrageous thing to say. In these hard economic times, we have certainly put enough people in positions of being without dignity. Surely they should be allowed at least the right to be citizens; because, by denying them the right to vote, that is, in effect, what we are taking away from them. And I would urge you to look at your analysis, and I think there are adequate safeguards, if you look at it very carefully. We are giving homeless individuals no more nor less than anyone else, in very few -- with very few exceptions. Homeless individuals are required to have a mailing address. There are no additional privileges, other than the right to register to vote and be qualified to vote, according to this. And it permits appointment as a deputy registrar. We're expanding the categories

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of permissible deputy registrars. I don't think that's too much to ask, to permit people to continue to be citizens in this country. I say we vote Yes for it.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Madam President and Ladies and Gentlemen of the Senate. My colleague on the other side said something about derelicts. I don't see homeless people as being derelicts. They're not winos; they're not dope addicts. They don't sleep on the street because they want to; because condition has made it so. I see, in homeless people, educated people - well-educated, well-bred people, but they've been caught between the tracks whereby they lost their homes, because they couldn't pay the heating bill, they couldn't pay the electric bills or water bills, because of our taxes and things -- and the like. And so they're doing the best that they can, but they're not dummies. And if they can find a place to stay, maintain their family with them, they are still citizens here in the State of Illinois. And I think it would be a marvelous thing for us to help them to maintain their dignity as men and women, by permitting them to have the right to go to the polls and vote. They won't always be that way. And so I think that when they're down, I think we should be by their sides and encourage them to want to get out of the situation that they are in - not by choice, but by circumstance. I wholeheartedly support this bill, and I pray that all of our friends will think: maybe one day we may be in the same shoe, but we still want to maintain our dignity and our right to vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Further -- further discussion? Senator Cullerton.

SENATOR CULLERTON:

Well, thank you, Madam President, Members of the Senate. I

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rise in support of this motion. It would be very ironic when -- after we pass a budget - which unfortunately may have the effect of increasing the number of homeless people that we have throughout the State - to defeat this bill, which is intended to allow more people to vote. Now the issue of vote fraud is really the only legitimate question that can be raised, and I raised it myself with the proponents, and they have come back with some very compelling answers. The bill was developed in consultation with the State Board of Elections. The State Board of Elections made the bill available to all county clerks. No county clerk objected. The Clerk of Cook County, Mr. Orr, testified in support of the bill. It requires the homeless persons take the same oath, affirming residency, as the other voters. It produced the same proof of identification as other voters. And quite frankly, I think it's something which -- is unfortunate that we have to even pass a bill like this. But the fact of the matter is, these numbers are growing. As a result, we have to address it. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Well, thank you, Madam President. I apologize for rising a second time, but I wish to correct the mistake made by the sponsor in debate, when he mentioned that the State Board of Elections are in favor of this. I have just received a message from the State Board, and they stated emphatically they are not in favor. They are not opposed; they are absolutely neutral. So please don't say that they are in favor, because they have not taken a position. As far as this bill and Senator Cullerton asserting that the Clerk of Cook County, Mr. Orr, testified in Senate Elections Committee -- he testified on motor voter. This bill did not have a hearing in any Senate Elections Committee, as far as -- as I know, any

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committee in the Senate. By the bill's own definition, a homeless person is one who has a nontraditional residence, including but not limited to a shelter, a day shelter, a park bench, a street corner or even a space under a bridge. Now how could someone be verified as being a legal resident of a space under the bridge or a street corner? Madam President, this bill is very flawed, and I would urge its defeat.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Leverenz.

SENATOR LEVERENZ:

Thank you, Madam President and Members of the Senate. The last speaker and earlier speakers talk about vote fraud and difficulty in finding people. The reason they didn't get invited to the Senate hearings was they didn't have an address for these folks. This would at least provide you with an address for these folks. You want to strip away their -- their dignity, strip away their voting rights. You may as well strip away their citizenship. The fact of the matter is, when you're out of the country, the only way you can get back in is with a voter registration card. This is the cheapest passport a person could have. Vote Aye.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I too rise in support of the Motion to Concur with House Amendment No. 1 to Senate Bill 1992. And it seems to me we are missing the positive side. We are certainly emphasizing the negative side: that this provision may well lend itself to election fraud. But I would ask you to step back and take a look at the positive side. We have determined in this country that all of us are equal and we all have the equal right to cast a vote.

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And by virtue of turning down this position, we are going to say, "We're all equal and we all have an equal right to cast a vote, but only if you have an address." No -- unfortunately, too many people do not have permanent addresses or a permanent abode, due to circumstances far beyond their control, in many cases. So I'd ask you to look positively. I suppose we could say that virtually any activity might lend itself to fraud if somebody is of a mind to do it. But let's look on the positive side and afford these people a fundamental right, and that is the right as free people to cast -- cast a vote in a free election. And they don't need an address to do that. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator del Valle, to close.

SENATOR DEL VALLE:

Thank you, Madam President. This bill really has one provision in it that I think has generated all this discussion. That provision is that a homeless individual would be allowed to use a mailing address as proof when registering - proof of identity and proof of residence. It's a mailing address that could be a shelter or a private residence or a post office box. All the other requirements that apply to anyone who is registering remain the same. There have been court decisions that have allowed the homeless, on a limited basis, to vote. There was a 1986 consent decree that recognized the right of homeless residents of the City of Chicago to vote by establishing procedures to provide for homeless voter registration. This bill - this legislation - has more safeguards built into it than those court decisions. We know that there is election fraud, and I'm glad to say that as we become more sophisticated, more steps have been taken by the Board of Elections to reduce fraud. And I have been one of the strong proponents of making sure that we protect ourselves against fraud, because I have been the victim of vote

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fraud in the past. We have not had the Board of Elections say Yes to this bill, Senator Dudycz, and I did not say that. Yes, they are neutral - neutral, but they were consulted every step of the way on the development of this bill and had an opportunity to provide input. And the Clerk of Cook County testified in the House in support of this bill. We are talking about ensuring that homeless individuals have an opportunity to register to vote, and that there's a procedure in place, in order to ensure that we minimize vote fraud. We know what can happen with duplicate registrations. We know that purges can take place to clean up voter rolls. There's nothing to keep individuals right now from going and registering at multiple sites, multiple precincts. That's what the Board of Elections is for, in terms of using the information that comes to it, to purge that list and to clean up those lists. Those protections are in place. All this bill does is it says we are going to establish a definition that allows for homeless individuals who don't fit into the traditional definition of residents - of permanent residents - we are going to allow those individuals, with the same safeguards as everyone else, to register to vote. What is wrong with that? Unless, of course, you're thinking about partisan politics, and you're thinking about where the registrations can come from. Let me tell you, if you're on the Republican side of the aisle, a lot of the homeless individuals in DuPage County - and I guess there are some; I've heard there are some - have voted Republican in the past. There are studies that have shown that. And so, let's not make that a concern - an unstated concern. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall -- shall the Senate concur in House Amendment No. 1 to Senate Bill 1992. 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

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record. On that question, there are 35 Ayes, 25 <sic> (21) Nays, none voting Present. And the Senate does occur to -- concur with House Amendment No. 1 to Senate Bill 1992. And having received the required constitutional majority, this bill is declared passed. Middle of page 22 -- Senator Dudycz, for what purpose do you rise?

SENATOR DUDYCH:

Madam President, I ask that my name be removed as a hyphenated co-sponsor of Senate Bill 1992.

PRESIDING OFFICER: (SENATOR COLLINS)

The record will -- the record will so show. The record will so show. Okay. Top of page -- middle of the page, Senate Bill 2233. Senator Berman. Madam Secretary.

SECRETARY HAWKER:

House Amendments 1, 2, 3, 4 and 5 to Senate Bill 2233.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Berman.

SENATOR BERMAN:

Thank you, Madam President. I move that the Senate refuse to concur in House Amendments 1, 2, 3, 4 and 5 to Senate Bill 2233.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Berman moves that the Senate non-concur with House Amendment 1, 2, 3, and 4 and 5 to Senate Bill 2233. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. And the motion carries, and the Secretary shall so inform the House. 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 refused to recede from their amendments -- Amendment No. 1 to a bill of the following title, to wit:

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Senate Bill 1490.

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference to consider the differences of the two Houses in regards to their amendment to the bill.

Action taken by the House, June 29, 1992.

I have like Messages on:

Senate Bill 1769 with House Amendments 1, 2, 3, 4, 7, 8 and 9;

Senate Bill 1909 with House Amendments 1, 2 and 3;

Senate Bill 2057 with House Amendments 1 and 2;

Senate Bill 2100 with House Amendments 1, 2, 3 and 4.

PRESIDING OFFICER: (SENATOR COLLINS)

The Senate recede <sic> (accede) to the request of the House. Supplemental No. 3. On your desks is Supplemental No. 3. In order, we have Senator Marovitz, Senator Davidson and Senator Marovitz again. Secretary's Desk, Non-concurrence. Senator Marovitz. Senator Marovitz. Madam Secretary.

SECRETARY HAWKER:

Senate Amendments 1 and 3 to House Bill 2824.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Madam President and Members of the Senate. I move that the Senate refuse to recede from Amendments No. 1 and 3, and that a conference committee be appointed.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz moves that the Senate refuse to recede from House <sic> (Senate) Amendments 1 and 3, and that a conference be appointed. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. And the motion carries, and the Secretary shall

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so inform the House. House Bill 3598. Senator Davidson. Madam Secretary.

SECRETARY HAWKER:

Senate Amendment No. 1 to House Bill 3598.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Davidson.

SENATOR DAVIDSON:

Madam President, I move that the Senate not recede from Senate Amendment No. 1 to House Bill 3598, and ask for a conference committee.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Davidson moves that the Senate refuse to recede from House <sic> (Senate) Amendment 1 to Senate <sic> (House) Bill 3595 <sic> (3598). All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. House -- House Bill 4136 <sic> (4163). Senator Marovitz. Madam Secretary.

SECRETARY HAWKER:

Senate Amendment No. 1 to House Bill 4163.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Madam President. I would move that the Senate refuse to recede from House -- from Senate Amendment No. 1 to House Bill 4163, and that a conference committee be appointed.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz moves that the Senate refuse to recede from House Amendment -- Senate Amendment 1 to House Bill 4163, and that a conference be appointed. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. And the motion carries, and the Secretary shall so inform the House. Okay. On your desks we have a Recall. Hold it.

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PRESIDENT ROCK:

Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 1469, Senate Resolution 1470 and Senate Resolution 1471, all offered by Senator del Valle.

Senate Resolution 1472 offered by Senator Munizzi.

And those are all congratulatory.

And Senate Resolution 1473 offered by Senator Demuzio, President Rock and all Members.

It is a death resolution.

PRESIDENT ROCK:

All right. Consent Calendar. All right. Ladies and Gentlemen, if I can have your attention. The Secretary has distributed the Recall List. The Recall List contains three of the four bills -- or three of the -- four of the six that -- whose deadline was extended, and the sponsors have indicated their willingness to recall those bills for purposes of an amendment. Obviously, the subject matter is quite important, and it was felt only appropriate that both sides have a caucus prior to their consideration. We can, in fact, I think, indicate that the caucuses will not be very lengthy, if indeed the Members will please hurry up and get there. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, thank you, Mr. President and Members of the Senate. There'll be a Democratic Caucus in Room 400. Room 400, immediately. Please get there.

PRESIDENT ROCK:

All right. 400, immediately. 212 is being utilized by the Secretary of State for a television production, so we're going to have to go up to 400. I'd ask the Democrats to please get there as quickly as possible. Senator Geo-Karis.

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SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, there will be a Republican Caucus in Senator James "Pate" Philip's Offices immediately, right after you finish.

PRESIDENT ROCK:

All right. Republican Caucus immediately in Senator Philip's Office. Democratic Caucus immediately in Room 400. And the Senate will stand in Recess until the hour of 7:30. One-hour Recess.

(RECESS)

(SENATE RECONVENES)

PRESIDENT ROCK:

All right. Ladies and Gentlemen and all of you who are in your offices on the way to the Floor, we will begin in a very few minutes with the Order of Recalls, at the request of the sponsors, and that is House Bills 2758, 3135 and 4037. Senators Carroll and Maitland and Karpel have requested to -- requested a recall of those bills to 2nd Reading for purposes of an amendment. The amendments, I am informed reliably, have been distributed, and everybody's got too much paper on their desk, but the amendments are indeed -- have indeed been distributed. We'll just stand at ease for a moment, awaiting the -- the presence of our other colleagues. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 1474 offered by Senator Hawkinson.

It is congratulatory.

PRESIDENT ROCK:

Consent Calendar, please. Senator Geo-Karis, for what purpose

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do you arise?

SENATOR GEO-KARIS:

Mr. President, on a point of personal privilege.

PRESIDENT ROCK:

State your point, please.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, sitting in the President's Gallery are two very dear friends of mine who came all the way from New Orleans. They happen to be two Army captains, Captain Rae Lynn Johnson and her fiance, Captain Ronald Graham. And they're -- she's formerly my constituent from Waukegan. I'd like you to welcome them here. Glad to have you.

PRESIDENT ROCK:

Will our guests please stand and be recognized. Welcome to Springfield. If I can direct your attention, Ladies and Gentlemen, to page 10 on the Calendar. Page 10 on the Calendar, on the Order of House Bills 3rd Reading. The deadline has been extended to June 29th, which is today. Senator Carroll seeks leave of the Body to return House Bill 2758 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 2758, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Carroll.

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 2 obviously actually becomes the bill, and it would establish the Medicaid Revenue Act for Fiscal '93. It would be a one-year Act that would impose an assessment upon the health care industry for hospitals, long-term care institutions and

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developmental disability institutions. The tax will now be two and a half percent of the adjusted gross revenue of the hospitals, which is down from the original concept of 2.9 percent. The tax will be based on newer financial information - basically, the 1991 data that hospitals are currently submitting, rather than the original proposal of 1989 data. Nursing homes will be paying six dollars and thirty cents per occupied bed for the rest of the year, provided, however, that the homes are not allowed to pass that tax through to the private-pay patients. There are specific abilities to assist various homes, that will be discussed in the following piece of legislation that Senator Maitland is handling, that will assist in some of those Downstate homes. Facilities for the developmentally disabled will be assessed a rate of some thirteen percent as their contribution to the plan. I believe each and every one of the Members has had a chance to analyze the legislation and how it impacts in their district. Let me just say a few general comments, and be available to answer questions, rather than go through each and every one of the fifty-eight pages. First of all, absent this - absent this - there is an additional seven-hundred-thirty-five-million-dollar hole in the State budget - a hole that I daresay the Members of this General Assembly would have a tough time trying to fill. We have been casting around for weeks - yea, months - attempting to fill a three-hundred-and-fifty-million-dollar hole, and have not yet reached full accord on that, though we are very close. The options would be to fill another seven-hundred-and-fifty-million-dollar hole or cut the rates to those who provide that safety net of health care - hospitals, nursing homes, facilities for the developmentally disabled - by an amount equal to that. I believe that that type of cutting would seriously jeopardize the ability of this State to deliver health care to its citizens - something that you and I should never want

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to be a part of. Amongst the major issues we have been concerned with - in both the Governor's original proposal and what we believe is important for the health care of this State - is prompt payment. As part of this proposal, the Governor has assured us and will, in fact, borrow the funds necessary to provide a thirty-day payment cycle for health care, including pharmacies, including ambulances, as well as hospitals and nursing homes - something that they have not had for years and something we have been fighting for so that they were not borrowing in order to provide money that the State truly owed them. So hundreds of millions of dollars will be provided to all of these institutions to basically get them current. One of the other things we were concerned with is the area of spousal impoverishment. Governor had originally proposed that a spouse not going to a long-term care institution would have to spend down to some fifteen thousand dollars in assets before they could get assistance from government. Many of us felt that would require them to sell the home, something that they had worked all their life for, and really put themselves into a public aid posture in order to take care of their loved one. Through this assessment plan we do not have to lower the spousal impoverishment. It will stay at the sixty-thousand-dollar level. Let me suggest to you that since we have both caucused and probably gone through most, if not all, of the questions, we have, in fact, tried to answer as many of the problems as we were lawfully capable of answering. We have said that the methodology of payment will be in the law and is in this amendment. We have said all along that the methodology and length of the program would be the same. The methodology is frozen in for a year; the program sunsets in a year. We have said all along, since -- for the three months that I've been working on this with each and every one of the interest groups, and that the Governor's Office has been working on it, and the Department of Public Aid - if

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there's a better idea, offer it. Some were offered. They were wonderful, and they've been incorporated. Some are just not legal. Some have been found by federal courts to violate the new laws promulgated by the President and Congress. I, for one, will not risk the financial or physical health of this State on a program that is known to be faulty, and risk whether our hospitals will be alive and well or bankrupt, and our nursing homes will be open or closed, because someone wants us to try something that someone else has already tried and found to be wanting. We need a safe, solid program that will provide for health care. None of us want a tax. We all wish that Illinois was in better financial shape and we did not have to tax anyone, and put up all the money ourselves. That's not where we're at. Because of the state of the economy -- excuse me, we have no choice but to call upon the providers to work with us. We've given them a rate increase to make up for it, and we hope within a year we can prevail upon Congress to come up with a better plan. With that, I'll cough and answer questions. Thank you, Mr. President.

PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDENT ROCK:

Indicates he will yield, Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, as you know, I think every one of us have been receiving letters from the nursing home patients and their families who are private-pay and who face the threat of having to pick up the cost of this tax that we're going to be levying on nursing homes. I want to make sure that I understood what you said earlier. I thought you said that somehow the bill prevented nursing homes from passing on this tax to private-pay patients.

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Did you say that, Senator? And if so, could you explain to me how that -- how that's prevented in this bill?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. Yes, Senator Schuneman, it actually occurs in two places. One is in this bill and one will be in the legislation that Senator Maitland will be offering, to follow. And that says most particularly that this is a tax and cannot be passed through. I can refer you only in this bill to page 19, lines 21, as I recall. 26 - I'm sorry. Lines 26 through 31. Notwithstanding any provisions of any other Act to the contrary, this assessment shall be construed as a tax, but may not be added to the charges of an individual nursing home care, and in this bill it says, paid for in whole, or in part, by federal, State or combined sources, except for Medicare Part B. And in the trailer bill, it says it more specifically in the private-pay Sections.

PRESIDENT ROCK:

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you. So there is a specific prohibition against the tax being passed on. I presume, though, that there is no rate-setting in this bill, so that if a nursing home decided that they needed a seven-dollar increase in the rate, which in effect might be used to offset all expenses, including this tax, there's no prohibition against that. Am I -- am I correct?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

We did not, by legislation, try and fix rates for private-pay patients; however, there's enough lawyers in the gallery who have worked on it who would take the case if a home had never raised

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its rates by that much before, and all of a sudden -- if they were raising it seventy cents a year and suddenly raised it seven dollars, I'm sure there's a lot of people in the corridors of this building who would file the lawsuit.

PRESIDENT ROCK:

All right. Further discussion? Senator Watson.

SENATOR WATSON:

Well, thank you. That was an interesting comment and dialogue there. I can't imagine how we can expect the nursing home industry to absorb this when we don't -- when our rates are like forty-eighth in the country anyway. I've got a question of the sponsor, please, Mr. President.

PRESIDENT ROCK:

He indicates he will yield, Senator Watson.

SENATOR WATSON:

Senator Carroll, as I read through the hospital reimbursement analysis, I go down and I see Barnes Hospital and Cardinal Glennon and Children's Hospital of Wisconsin, and I -- I realize that they're out-of-state hospitals. I go over the -- and look through the participation column and how much they're participating in this program, and I see that they don't participate at all. They're not a contributor. Could you tell me why not?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

It's not legal to tax out-of-state hospitals.

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Thank -- thank you. Then I go further along and I see, well, they are a participant certainly in the benefit. So now what we're doing is taxing Illinois citizens for benefits to hospitals

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that are located outside the State of Illinois. I mean, I just have a basic problem with that type of thinking. And I'd like a response to that. Thank you.

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. Senator Watson, yes, it is true that about thirty million out of the 1.6 billion dollars is spent on Illinois citizens who choose to go over the border to get care, because there is apparently no care nearby being provided, so that we have no choice but to pay for the care for Illinois citizens, though they happen to be just over the border. But let me advise you that we have been advised by legal counsel for the children's hospitals -- St. Louis Children's Hospital and Cardinal Glennon Children's Hospital, located in St. Louis - which basically provides for the Southern Illinois Medicaid children - that they shall -- we cannot assess them, but they have guaranteed us they shall make - shall make - a voluntary donation to the State of Illinois that would have been the equivalent of the assessment they would have had to pay had they been inside the borders of the State of Illinois.

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Yes, one other question then. What -- what out-of-state hospitals do you have that assurance from?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

As I said, Senator Watson, St. Louis Children's Hospital and Cardinal Glennon Children's Hospital.

PRESIDENT ROCK:

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Senator Watson.

SENATOR WATSON:

Good for them. I certainly appreciate their willingness to participate, but I would like to see -- all hospitals that are going to benefit from this should participate. I don't see any problem with that.

SENATOR CARROLL:

The President has said they -- if they're not within the borders of the State, we can't tax them.

PRESIDENT ROCK:

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes, if the sponsor would yield. For the purposes of legislative intent: the revisions to the children's hospital portion of the formula do not change which hospitals are eligible for the adjustment - in particular, the definition of children's hospital in Section 5-5.02(b)(5) includes only those hospitals which are defined as children's hospitals under current law. Is that correct?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Yes.

PRESIDENT ROCK:

Further discussion? Senator Leverenz.

SENATOR LEVERENZ:

Sponsor yield?

PRESIDENT ROCK:

He indicates he will yield, Senator Leverenz.

SENATOR LEVERENZ:

The assessment program that is currently going on - is that able to be passed onto nursing home -- those in nursing homes?

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PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

No, it's not supposed to be, for the reason that the current plan strictly assesses, or only assesses, patients who are Medicaid patients. So what happens is the home giving Medicaid care get -- pays an assessment in order to get a higher rate of payment back. It's a twofer, Senator Leverenz. They -- for every dollar that we can spend, the Federal Government gives us back a half a dollar, so that the homes with Medicaid patients had their rates increased to make up for it, and it's not a pass-through at all. Under current law.

PRESIDENT ROCK:

Senator Leverenz.

SENATOR LEVERENZ:

So the nursing home bill that I have here in my hand for July of 1992 that states at the bottom "State per diem tax" at six dollars and thirty cents per day times thirty-one days is a hundred and ninety-five thirty for the month. That should not be here. And let me then ask -- that is covered by what you point out in page 19 of the bill. Could you help us understand -- how about the hospitals passing on the tax? Is that covered in any part of the amendment? And if so, what page and lines?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

First, as I suggested to you before, Senator Leverenz, I think you ought to send that bill to the State's Attorney and the Attorney General. There is no law yet, and already they're trying to seek reimbursement for money that would be illegal when the law passes, and doesn't exist now. I think that's a fraud upon the consumer, and it should be dealt with as such. I'm not aware of

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any language dealing with the issue of passing on the assessment to hospitals, which is a percentage of gross, as opposed to a per diem, to the patients. I do know at one point the Hospital Association or some representative wanted language that allowed them to specifically and separately bill insurance companies for this, and that's something that was not in the bill. I don't recall there being any specific prohibition language in the bill, because it's a percentage, rather than a per diem.

PRESIDENT ROCK:

Senator Leverenz.

SENATOR LEVERENZ:

Then it seems like we've got a hoax on top of a hoax. And for the hospitals in my district -- a million-nine that one will pay; a million-eight, another one; three hundred and thirty-two thousand; a mill and a half; a mill-three; and another, half a million - averaging over a million dollars a hospital in my district - I have over seven million reasons to vote No, as well as the nursing homes already taxing us for something we have not passed. And I encourage everyone to look at this and watch how it's being passed on, because in my view, they're getting paid twice for the same thing. Thank you.

PRESIDENT ROCK:

Further discussion? Senator Keats.

SENATOR KEATS:

Question of the sponsor.

PRESIDENT ROCK:

He indicates -- Senator Keats is trying to address a question, Senator Carroll. All right. Senator Keats.

SENATOR KEATS:

During your early explanation, it was the first time I've heard we are borrowing money to bring the payment cycle up to thirty days. I've never heard that mentioned. What are we

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borrowing? What's paying it off? Where's it coming from? What are the rates? How much money are we borrowing? Who are we paying what?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

There's nothing in this legislation on that at all, Senator Keats, but I have been reliably informed that as part of the Governor's program, it is his intent to advance-borrow against the future federal payment that will be the result of the tax, and then giving service where the Federal Government reimburses us; that it is the Governor's intent to short-term-advance-borrow so that he can bring the health care payments up to a thirty-day cycle. Some of them are at two hundred days now. The repayment, I am advised, is by the receipt of the federal dollars at the end of the federal fiscal -- at the end of the quarter. And I'm assuming - and this is only an assumption, because it's not part of this plan; it's just something I've been advised - I'm assuming, therefore, the State would borrow -- which is at a roughly fourish-percent rate, as opposed to the -- what's currently going on, and that is that the providers of service are borrowing at probably ten or twelve percent.

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

Since you say it's not part of the bill, I won't ask any more questions on the borrowing, but it does not take a mathematician to add up to say you can't reduce it to thirty days, based on the money coming in. It is worth mentioning - the reason we are behind in payments has nothing to do with the Governor or the Comptroller. We've spent more. We haven't raised it. And we've promised it. To blame it on the Governor or the Comptroller is a

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little silly. The reason we've fallen behind in payment is because we have lied to the providers over time on our revenue estimates, and by silly budgets where we alleged we had appropriated enough, where we certainly didn't. Now I want to ask another question, because the answer has been so totally -- so impossible to believe or understand. This legislation supposedly will call for the fact that these nursing homes cannot pass on the cost. Are they going to print the money? Where do you think they get money? This is not the Federal Government. I mean, these people have to have money. Where are they going to get the money to pay this assessment, if they can't pass it on to the people who are paying them?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Well, again, what I read to you is a Section that deals with where any of the money is State- or federal-reimbursed, except for Medicare Part B, where they're basically getting -- and it's like they got it this year, and that's in a rate increase from the State. The State assessed them. They voluntarily paid an assessment for Fiscal '92, and the State gave them a rate increase. Nursing homes are getting a nine-percent rate increase. Okay? And it is presumed that the tax equates to about four percent. So they overall benefit five percent. We give them nine, take back four; they keep five. The same is true with hospital care. They and we are paying for it by using the twofer method, by saying that for every dollar they put up, we're going to -- actually when they put up two, we get, you know, one back from the Federal Government. So that for every dollar they put up, the Federal Government puts up another dollar. That's where the money really comes from. And to allow them to put up the money, get it back, get a rate increase, and then try and charge

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the consumer would be, in fact, giving them the money twice.

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

It doesn't take a mathematician to say that those numbers don't add. The third question has to do with private-pay patients where you don't have the reimbursement. How are they paying? I mean, it does not add up.

PRESIDENT ROCK:

Senator Keats, would you mind repeating your question?

SENATOR KEATS:

I opened the question with a statement saying I appreciate your explanation, but it doesn't take a mathematician to figure out those numbers don't add up. The next question: What happens with the private-pay patients who aren't covered by Medicaid, are not covered by these reimbursements? There's no way you can say it won't be passed on, because there's no money, unless it comes from their pocket. You can argue that it's their right pocket or their left pocket. It doesn't matter. It's the same pair of pants. There's no reimbursement involved.

PRESIDENT ROCK:

Further discussion?

SENATOR KEATS:

Wait. It was a question - question.

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Just very briefly. As you'll see in a few moments with Senator Maitland, there's a bill that follows that's a grant of a dollar fifty-eight a day for private-pay patients, plus a circuit breaker program; that - it is at least the belief of the Department and others - gives to the people and the home

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sufficient funds to basically pay for it.

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

I appreciate -- I have no more questions. I mean, it's just, these numbers are so far off -- I mean, they just don't come together. Two plus two equals eighty-seven.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question?

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Fawell.

SENATOR FAWELL:

This is the first time that I have heard that you are, in effect, saying that these nursing homes will get a circuit breaker for -- for each patient. Is that your idea?

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Thank you. It's to the individual, not to the home, and it's based on income eligibility, and it's up to six dollars a day. And it's not in this bill.

PRESIDENT ROCK:

Yeah, we're on -- you're on the next bill. Senator Fawell.

SENATOR FAWELL:

I have a number of nursing homes in my area that they -- say there are a hundred beds, and maybe three of them or four of them end up as Medicaid, and the rest of them are all private-pay. Now you're saying we're going to assess six dollars and thirty-six cents per day, then take away a buck and a half, or say a dollar thirty-six. So we're assessing them five dollars a day, times

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three hundred, is one thousand five hundred dollars a year. And then we're going to give them eighty dollars back, and that's going to make them happy?

END OF TAPE

TAPE 4

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

That basically -- and again, this will be in the next bill, not in this one. If they are Medicaid- or Medicare-eligible, it's already taken care of. If the patient is a true private-pay, yes, the home is assessed six dollars and thirty cents, and the individuals will be eligible for a reimbursement up to six dollars a day.

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

What -- how much money will they get back on the circuit breaker? Because my understanding is, something like eighty dollars a year.

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

That's a different plan. And why don't we discuss that when Senator Maitland's bill comes up? It's not in this bill.

PRESIDENT ROCK:

All right. Further discussion on this amendment? Further

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discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Sometime before I attended the University of Chicago Graduate School of Business, there was a chancellor by the name of Robert Hutchins, who said, "The University of Chicago is not a very good school, but it is the best one there is." This is not a very good bill, but it's the best one there is. And let me point out to you that those people who worked on this bill were not from an alien planet. They did not want to reimburse out-of-state hospitals. They didn't want to pay more than what they had to, but they were driven by two forces. One, to comply with federal law. And two, to bring back to Illinois as much as they could. And that's precisely what this amendment does. Now I could tell you right now that the consequences of voting No fly in the face of those two motives. And if anybody has a solution that -- that is better than what is offered in this amendment, let him come forward. If not, they ought to vote Yes.

PRESIDENT ROCK:

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. Frankly, I'd rather be voting for universal health care this year; but since we didn't get to that, I agree with what Senator DeAngelis said. This is it, folks, for this year. And I think that those who have worked hard to put this together have done the best that they could in accommodating all the differing interests, concerns and opposition to this. And frankly, when we can have something that both plugs up a hole of over seven hundred million dollars in a budget on June the 29th, when tomorrow is the deadline, and provides for eighty percent of the hospitals and nursing homes, then I think this is not a bad deal. And I urge that we vote Yes.

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PRESIDENT ROCK:

All right. Senator Carroll's moved the adoption of Amendment No. 2 to House Bill 2758. Further discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

ACTING SECRETARY: (MR. HARRY)

No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Carroll, do you wish leave to get back to that after intervening business? All right. Leave has been granted. 3135. Page 11. Middle of page 11. Senator Maitland 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, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Amendment No. 2 offered by Senator Maitland.

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Amendment No. -- Amendment -- is this -- is this -- which amendment is this? 2?

PRESIDENT ROCK:

It will be Amendment No. 2, once we get the right bill up there. This is 3135. Senator Maitland, on Amendment No. 2, please.

SENATOR MAITLAND:

Thank you, Mr. President. Amendment No. 2 to House Bill 3135 is the Grant Assistance Program for individuals in nursing homes who do not have their care paid by Medicaid, Medicare or any other governmental program. The financial criterion for eligibility

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will be based upon the individual's -- patient income in the prior year. Assets will not be considered. And the way in which we are going to compute this is to take the -- the individual's federally adjusted gross, and subtract from that the projected annual nursing home care charges, and arrive at an adjusted annual income from the nursing home. The grant amount will be based upon income, and applicants whose adjusted gross income is from zero to three hundred and fifty percent of the federal poverty level will receive a grant of up to six dollars per day. Applicants with adjusted gross income of -- of above three hundred and fifty percent will not qualify for the grant. The purpose of this, of course, is to offer some reimbursement in the following year to these individuals - private-pay patients - who are -- who are being assessed this tax. The -- the grant payment must be made annually. The grant is based upon the amount appropriated by this General Assembly, and has no fiscal impact this year. And Mr. President, I would move for the adoption.

PRESIDENT ROCK:

All right. Senator Maitland's moved the adoption of Amendment No. 2 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?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 3 offered by Senator Maitland.

PRESIDENT ROCK:

Senator Maitland, on Amendment No. 3.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Amendment No. 2 to House Bill 3135 is an amendment that was requested by -- I'm sorry. It's not -- Amendment No. 3 is an amendment requested by the Department of Mental Health that allows them to continue to -- to collect money from this current

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assessment year after the closeout on October 1. There is some question as to whether or not they can continue to make that -- that payment, and this would -- would allow them to -- to do that. There is no fiscal impact. It's simply a technical amendment. I would move for the adoption, Mr. President.

PRESIDENT ROCK:

All right. Senator Maitland's moved the adoption of Amendment No. 3 to House Bill 3135. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

ACTING SECRETARY: (MR. HARRY)

No further amendments.

PRESIDENT ROCK:

3rd Reading. 4037. Senator Karpziel seeks leave of the Body -- we're on page 12, on the Order of House Bills 3rd Reading. Senator Karpziel seeks leave of the Body to return 4037 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 4037, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Amendment No. 1 offered by Senator Karpziel.

PRESIDENT ROCK:

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. The amendment to House Bill 4037 does four things. First of all, under the Clear Air Act - the Federal Clear Air Act - each state is required to develop and implement an operating permit program covering the major sources of air pollution in this State. This amendment will impact about twenty-six hundred major sources in Illinois. And permit fee of thirteen dollars and fifty cents per ton of emissions will be put in place. There is a hundred-thousand-dollar maximum cap and a --

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and a one-thousand-dollar minimum fee. But fifteen hundred, or almost sixteen hundred, of those major sources could voluntarily limit their emissions and become exempt from this major category, and so they would be on the one-thousand-dollar fee. In order to implement all of these thirty separate rulemakings that will be required, there's an expedited rulemaking for the Clean Air Act. And timelines have been set in place for various elements of the rulemaking process, and it will streamline much of the procedural steps - sets a time certain for the completion of these rulemakings. The amendment does two other things. It creates a pollution prevention in the State. It says that State policy is to prevent pollution, rather than address it after the fact. Establishes a pollution prevention advisory council and creates two bans. It restricts the use of toxic components in packaging materials and prohibits landfill disposal of liquid used oil. The last thing the amendment does is to create a hazardous waste clean-up fee. There's been no funding for this program since 1990. There's a backlog of over a hundred and five sites awaiting cleanup. And so there are two fees being put in place. An initial increase of a hazardous waste fee from nine cents on landfills, three cents on incinerators, to twelve cents flat fee with a phase-in of one cent per year until 1996, and there will be a fifteen-cent total. That'll create four million dollars. And a solid waste tipping fee will be raised from sixty to seventy cents per cubic yard, and that's also another four million dollars. That's what the amendment does, but I do want to stress that this is the result - if anyone is listening - of two months -- of two months of intensive negotiations, and it has been agreed to by the Illinois Manufacturing Association, the Illinois Petroleum Council, the Illinois Steel Group, the Illinois Environmental Council, Illinois Chamber of Commerce, the Illinois Petroleum Marketers' Association, the Chemical Industries Council, and the

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Chicago Lung Association.

PRESIDENT ROCK:

Gee, I had one that was agreed to by the Mayor and the Governor! And didn't have this many pages! Discussion on the adoption of Amendment No. 1? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. May I ask the Lady a question or two?

PRESIDENT ROCK:

Indicates she will yield, Senator Lechowicz.

SENATOR LECHOWICZ:

Senator Karpziel, was this amendment before any committee of the Senate?

PRESIDENT ROCK:

Senator Karpziel.

SENATOR KARPIEL:

Not to my knowledge, no.

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

I heard the listing of people -- or organizations who are in support of the amendment; I didn't hear anything as far as the homeowners. Who is going to be paying for this proposal? What's the cost to the City of Chicago and the County of Cook?

PRESIDENT ROCK:

Senator Karpziel.

SENATOR KARPIEL:

As far as I know, to the City of Chicago it -- by your figures, I believe, that you were handing out, Senator, two hundred and seventy-five thousand dollars, which equates to about seven and a half cents a person in the City of Chicago.

PRESIDENT ROCK:

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Senator Lechowicz.

SENATOR LECHOWICZ:

And what's it -- what's it for the County of Cook?

PRESIDENT ROCK:

Senator Karpiel.

SENATOR KARPIEL:

Well, I don't know about the entire County of Cook - how they operate their garbage collection - but if you're paying a garbage -- an outside garbage collector to come in, it averages about forty-five to eighty-five cents a year.

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

Could I ask you what the cost is of surrounding counties of Cook? What's the cost in DuPage?

PRESIDENT ROCK:

Senator Karpiel.

SENATOR LECHOWICZ:

And Lake? And Will?

SENATOR KARPIEL:

Senator, that was a Statewide figure - forty-five to eighty-five cents - for any entity that is not paying for their garbage collection on their property tax, such as they do in Chicago.

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

So you're saying in those other counties there is no real estate tax increase?

PRESIDENT ROCK:

Senator Karpiel.

SENATOR KARPIEL:

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That's correct.

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, I'll probably have to address this issue on 3rd Reading, but I think it's a bit unfair when you haven't given the opportunity to the City or the County to consider if there's some way they can provide some revenue besides the real estate tax base.

PRESIDENT ROCK:

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I'd -- I'd just like to point out, in response to Senator Lechowicz, that some of these items have been heard in committee. Two years ago, I introduced a bill that would ban the disposal of liquid used oil in landfills. I introduced a bill that would restrict the use of toxic components in packaging materials. And I also introduced a bill this year that was heard in committee, that would increase the fee for disposal of hazardous wastes. So some of this has been heard in committee. I'd point out that one of the reasons for this amendment is that, if we don't comply with the Federal Clean Air Act, the State will start to lose money due to federal requirements and federal holdbacks on the funding to Illinois and various programs. I'd also like to point out, since there is the construction of an incinerator near the -- near Robbins, Illinois, that this amendment will contain a provision that keeps packaging that contains some of the most cancer-causing elements from being incinerated. Packaging will not be allowed to be made with chromium or cadmium or lead or mercury. So this is going to clean up the air in more ways than just the automobile cleanup that most of us think of as being the major cause of air pollution. And I

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think it's a good idea, and I would support the amendment and urge an Aye vote.

PRESIDENT ROCK:

Further discussion on the adoption of Amendment No. 1. Senator Karpziel, you wish to close?

SENATOR KARPIEL:

Just to say that this may be one of the few times in history that the Environmental Council, the Chicago Lung Association, the environmental groups and all the business groups agree. And I certainly urge your Aye vote.

PRESIDENT ROCK:

All right. Senator Karpziel's moved the adoption of Amendment No. 1 to House Bill 4037. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 2 offered by Senator Palmer.

PRESIDENT ROCK:

Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I withdraw the amendment.

PRESIDENT ROCK:

Amendment's been withdrawn, Mr. Secretary. Further amendments?

ACTING SECRETARY: (MR. HARRY)

No further amendments.

PRESIDENT ROCK:

3rd Reading. All right. Ladies and Gentlemen, Senators Carroll and Maitland were given leave to get back to their bills, since their expiration date is today. And so with leave of the Body, we'll turn to the Order of House Bills 3rd Reading. On page 10 is House Bill 2758. Read the bill, Mr. Secretary, please.

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ACTING SECRETARY: (MR. HARRY)

House Bill 2758.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. We all know that this is the Medicaid Revenue Act. Let me just make one comment for the record, at Senator Maitland's correct request, so that this is not in any way tied to his legislation: The six dollars that we referred to is not a rate issue, it is a potential grant to individuals if they are financially eligible. Secondly, the issue I raised about rate is a rate-setting matter not spelled out in legislation. Let me merely echo, then, Senator DeAngelis' comments: No one likes to have to pay a tax. Whenever you do, there's a redistribution - some are helped; some are hurt. We are facing a health care crisis in this State. The choices are not great. This is the only choice to keep a viable health care system in Illinois, and I would urge passage of House Bill 2758.

PRESIDENT ROCK:

All right. Senator Carroll has moved passage of House Bill 2758, as amended. Further discussion? Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Well, to revisit the question that I asked earlier, in response to the sponsor's statement that there was a prohibition against passing on this tax: As I read the language, there is that prohibition in case the individual's nursing home care is paid for in whole or part by a federal, State, or combined federal/State Medicaid -- or medical care program, but I don't find any place in this bill that says they

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can't pass on the tax that -- that is levied on private-pay patients. And -- so I think the answer to that is that they in fact can pass that tax on, and -- and undoubtedly will pass it on. So I -- I guess I would like the sponsor's response to -- to that statement, as I read the bill.

PRESIDENT ROCK:

Further discussion? The sponsor will have an opportunity to close. Further discussion? Senator Keats.

SENATOR KEATS:

The train's rolling, so I'm not standing on the track. But it's worth saying: This bill is the perfect example of what's the matter in Washington, D.C. They have a program totally federally mandated; they control ninety percent; we're supposed to match it; they pay about forty-five percent of the costs; they're stiffing us to the tune of a little less than two billion on Medicaid alone. This is happening in every state across America. If there ever was a reason that we ought to throw out everybody in Washington and start over, this is a perfect example. This is a mess made in Washington to be solved in fifty states, and all we are is cleaning up their disaster. A four-hundred-and-forty-billion-dollar budget deficit, and they're still stiffing us two billion, and other states like us the same way. Somehow we should sit down with our congressmen with a two-by-four, have a discussion with them, ask them what they are doing in Washington, other than demolishing Illinois' taxpayers.

PRESIDENT ROCK:

Senator Carroll, to close.

SENATOR CARROLL:

Senator Schuneman, I read that Section. You are correct. We have no choices. We must have this if there's going to be health care in this State; otherwise, untold hospitals and nursing homes and developmental disability facilities will close. We cannot

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leave our people without health care. I urge passage of House Bill 2758.

PRESIDENT ROCK:

Question is, shall House Bill 2758 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? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 24 Nays, 1 voting Present. House Bill 2758, having received the required constitutional majority, is declared passed. On the Order of House Bills 3rd Reading, on page 11, is House Bill 3135. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 3135.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. House Bill 3135 does two things. It does -- it does initiate the -- the grant program for those private-pay patients -- private-pay residents of long-term health care facilities to get a portion of their assessment back - their tax back - in the following year. There is no budgetary exposure this year, and it is subject to the appropriation next year. It is -- it is not an entitlement; it is a capped program. I believe that it is a proper way to go. And again, it is subject to the General Assembly's appropriation. The second part of House Bill 3135 is, as I indicated earlier, the amendment that helps the Department of Public -- Mental Health enable to -- be able to bill for the assessment this year that's beyond October 1. That is really technical in nature. And, Mr.

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President, I seek the support of House Bill 3135.

PRESIDENT ROCK:

All right. Senator Maitland has urged passage of House Bill 3135. Discussion? If not, the question is, shall House Bill 3135 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 3135, having received the required constitutional majority, declared passed. Messages from the House.

ACTING SECRETARY: (MR. HARRY)

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 refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to wit:

House Bill 3188 with Senate Amendment No. 1.

We have like Messages on:

House Bill 3261 with Senate Amendments 1, 2, 3 and 4;

And House Bill 3707 with Senate Amendments 2 and 3. Non-concurred in by the House, June 29, 1992.

PRESIDENT ROCK:

Secretary's Desk.

ACTING SECRETARY: (MR. HARRY)

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 refused to recede from their Amendment No. 1 to a bill of the following title, to wit:

Senate Bill 1622.

(Secretary reads title of bill)

I am further directed to inform the Senate that the House of

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Representatives requests a First Committee of Conference to consider the differences of the two Houses in regard to the amendment to the bill.

PRESIDENT ROCK:

All right. Senator Vadalabene will move that the Senate accede to the request of the House that a conference committee be appointed. All in favor of that motion, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and the Senate does accede to the request of the House. Senator Donahue, for what purpose do you arise?

SENATOR DONAHUE:

Thank you, Mr. President. On House Bill 3135, my green light did not go on. I'd like to be recorded as voting Aye.

PRESIDENT ROCK:

The record will so reflect. Resolutions.

ACTING SECRETARY: (MR. HARRY)

Senate Joint Resolution 182 offered by Senator Philip and all Members.

(Secretary reads SJR No. 182)

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Let me say this: Ray and Barb and their three children and six grandchildren typify everything that's good and great about families. I can't think of a man that I have any more respect and esteem for than Ray Hudson. He is always a perfect gentleman. I don't care what the circumstances are, what the situation is, George "Ray" Hudson is an absolute gentleman. You know, I can't imagine being married to the same woman for fifty years. With my record, you can understand that. But, Ray, I will guarantee you that Barbara is going right up to heaven; she's not going to stop.

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129th Legislative Day

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Although you I'm not so sure of. But, Ray, I want to wish you and Barbara great retirement, long lives, and I know how you'll be voting and how you'll be thinking, and we're going to miss you.

PRESIDENT ROCK:

All right. ...(applause by the Illinois Senate)... Resolutions. That resolution, by the way, was obviously unanimously adopted by applause, and the record will so reflect its adoption. Resolutions.

ACTING SECRETARY: (MR. HARRY)

Senate Resolution 1475 offered by Senators Topinka, Smith and Palmer.

And Senate Joint Resolution 183 offered by President Rock. They're both substantive.

PRESIDENT ROCK:

All right. With leave of the Body, we'll put those on the Order of Secretary's Desk, Resolutions, and we can deal with them at the point at which some people have had a chance to read them. Any further business to come before the Senate? Any announcements? Senator Leverenz, for what purpose do you arise, sir?

SENATOR LEVERENZ:

I thank you, Mr. President. I think three or four days ago I inadvertently pressed my Aye button on House Bill 3898. I just wish the Journal to be showing me that I would have voted No.

PRESIDENT ROCK:

All right. The record will so reflect. Further business to come before the Senate? If not, Senator Vadalabene moves that the Senate stand adjourned till nine o'clock tomorrow morning. June 30. Nine o'clock tomorrow morning. Senate stands adjourned.

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