

STATE OF ILLINOIS  
87th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

131st Legislative Day

July 1, 1992

PRESIDENT ROCK:

Senator Marovitz, on Senate Calendar No. 7 is House Bill 2694, on the Order of Secretary's Desk, Non-concurrence. Madam Secretary.

SECRETARY HAWKER:

Senate Amendments 1 and 2 to House Bill 2694.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

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

PRESIDENT ROCK:

Gentleman has moved that the Senate refuse to recede from Senate Amendments 1 and 2 to House Bill 2694, 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. Senator Jones, on 1662? Madam Secretary, please.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1662.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. I move the Senate adopt the First Conference Committee Report on Senate Bill 1662. What it does is create the position of appraisal administrator under the Department of Professional Regulation; requires all State-certified real estate appraisers to be deemed general real estate appraisers; creates the Appraisal Administration Fund, and makes clarifying technical changes in the Professional Counselor Licensing Act, as well as the Naprapath Licensing Act. Under the

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Naprapath Licensing Act, it's a technical amendment. And this technical amendment, which clarifies that a naprapath may only treat within the scope that is defined in the Act. That is what the Conference Committee does, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Ladies and Gentlemen, could we have your attention, please? Lady from DuPage, Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR FAWELL:

Senator -- Senator Jones, I have gotten some -- some calls and some literature from the appraisers that were against a bill that, in effect, would -- and the real estate, homeowners, and what have you, were against an appraiser's certification. Is that what this is?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones.

SENATOR JONES:

No. This is not that bill. That has been done quite some time. That -- they are already certified under legislation that is now law. This -- what this bill does -- and they -- this is something that they agreed with. You check with your leadership on that side of the aisle. This is what they agreed to.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

Then this is -- then this is the compromise that the appraisers wanted. Is that right?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones.

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SENATOR JONES:

This is the second half of the other portion passed in Senate Bill 1909, which was sponsored by Senator Madigan. So this is the other portion of it that has been agreed to.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones, to close.

SENATOR JONES:

I just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1662. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 55 Ayes, no Nays, none recorded as Present. And the Senate does adopt the Conference Committee Report on Senate Bill 1662, and this bill, having received the three-fifths required majority, is hereby declared passed. Leave of the Body - we're still on the same Calendar - we'll go back to Senate Bill 1892. Senator Leverenz. On Concurrence. Read the bill, Madam Secretary.

SECRETARY HAWKER:

Senate <sic> (House) Amendments 4 and 10 to Senate Bill 1892.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Leverenz.

SENATOR LEVERENZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1892 now has been taken to one amendment from the House. It would create the Family Responsibility and Medical Leave Act and -- allows an employee who is employed for twenty or more hours in a facility of a hundred persons or more, a minimum of -- be eight weeks during a twelve-consecutive-month period. This amendment is changed from an earlier bill passed in the

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following way: It deletes the tax credit; it deletes the Department of Employment Security study. Answer any questions that you might have, and ask for your Aye vote to adopt the Conference Committee Report.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The Lady from DuPage, Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR FAWELL:

Senator Leverenz, is this the -- the family leave revisited without the tax credit?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Leverenz.

SENATOR LEVERENZ:

Answer to your question is yes, and you allow me then the opportunity to correct how I misspoke. It is that we are concurring with the House amendment, rather than a Conference Committee. But indeed, it is family leave, yes.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

Can you tell me what the effective date is on this bill?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Leverenz.

SENATOR LEVERENZ:

January 1 -- I'm sorry, July 1, 1993.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

Will you -- there's a -- I'd like to -- I'd like a

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parliamentary inquiry, then.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

State your point, ma'am.

SENATOR FAWELL:

Will you please...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Ma'am, excuse me. You're going to have to move. Senator Fawell.

SENATOR FAWELL:

Yeah.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

State your point.

SENATOR FAWELL:

Mr. President, parliamentary inquiry. How many votes does it take, then, to pass this bill? It's after midnight.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Three-fifths. Three-fifths. It's 12:06. We play it by the book. Senator Fawell.

SENATOR FAWELL:

Thank you very much. Then I would merely ask that we...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me. Parliamentary inquiry, Senator...

SENATOR FAWELL:

...turn this bill down.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

...Carroll. One moment, ma'am. Senator Carroll. Another parliamentary inquiry. Senator Carroll, please.

SENATOR CARROLL:

Why, thank you, Mr. President. Parliamentary inquiry.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Yes.

SENATOR CARROLL:

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Would it not depend upon the effective date of the bill; that if the bill is to be effective some time after January 1st -- or next June 30th, it would be 30 votes?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Madam Secretary, could you show us the bill, please?

SENATOR CARROLL:

And it would only require an extraordinary vote to be effective immediately.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

We'll check the effective date. Thanks. This bill is effective July 1 of 1993. It requires 30 votes. Senator Fawell.

SENATOR FAWELL:

Well, to the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Yes, ma'am.

SENATOR FAWELL:

We just passed a bill not too long ago, and -- and for the first time I felt I could vote for it, because, indeed, it was a -- a compromise that was worked out. I thought it was a fair compromise. It was supported by both sides of the aisle. It was supported by both business and labor - maybe not all of labor; maybe not all of business - but I thought it was a compromise that -- that could be lived with by -- by all sides. For the House not to even give their Members a chance to vote on that, but instead to subsidize -- substitute this bill in place of it, is again forcing the Senate to either do it their way or they're not going to play. I think this is a bad idea. I think we ought to tell the House there are two Legislative Bodies. We count as much as they do. For them to constantly do this to us at the last minute is wrong.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady bring her remarks to a close.

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SENATOR FAWELL:

And I would ask for an -- a No vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from DuPage, Senator Karpziel.

SENATOR KARPIEL:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR KARPIEL:

Senator Leverenz, did you say that this bill is identical to the bill we passed out of here earlier, except for -- that the tax credits are now out of the bill?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Leverenz.

SENATOR LEVERENZ:

Now let me take you back to what I said a few minutes ago. It is - as I said and shall restate - it is similar to what we passed out earlier, with the following changes: One, it deletes the tax credit; two, it deletes the Department of Employment Security study; and it doesn't cover a sibling situation, as the earlier bill did. Those are the three changes.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Senator Leverenz. Then I have a question, if you know the answer to it. Why have...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

It's ten after twelve...

SENATOR KARPIEL:

...the tax credits been taken out of the bill?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Leverenz.

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SENATOR LEVERENZ:

I didn't bring my No. 2 pencil, Mr. President, for the pop quiz. However, we want to do a pure family leave, and I don't think that we have to give tax credits to have a family leave bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Karpziel.

SENATOR KARPIEL:

Well, Senator -- I mean, Mr. President, I'm asking a serious question. Just what is the objection and the House's objection and the sponsor's objection to having tax credits? Does that take any more time away from the -- from the employee who wants to have mandated leave? What has that got to do with the objective of the bill?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Leverenz.

SENATOR LEVERENZ:

I did not -- I thought she made a statement, Mr. President. If it is a question, then she could repeat it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

No, it's a question. Senator Karpziel. Would you please repeat your question, ma'am? Karpziel, please.

SENATOR KARPIEL:

My question is: What is the problem? Why is the -- why were the tax credits taken out of the bill? What was the problem with it? Why did the House find a problem with it? Why does the Senator find a problem with it? What is wrong with it?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Leverenz.

SENATOR LEVERENZ:

Well, some considered it Medicaid for corporations. Some objected to it. Some did not think there was a correlation to



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give a credit to these big corporations with over a hundred employees when over sixty-five percent of all corporations have no tax liability to the State of Illinois. Why should we give them another one? Let us just do what's right.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Karpiel.

SENATOR KARPIEL:

Well, I have one more question that's very important to me.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Please proceed, ma'am.

SENATOR KARPIEL:

Where are the women's groups on this bill?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Leverenz.

SENATOR LEVERENZ:

I did not have a chance to check with them in the last three hours, but I believe the bottom line is, our constituents, the women groups, the men groups, all want family leave. We've passed this before; let us pass it again. If you, indeed, come forward with any more red herrings, we could put them in a little can and have a new product from Sweden. I simply ask for your Aye vote to pass what I believe is a good solid family leave bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Karpiel.

SENATOR KARPIEL:

To -- to the bill, Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Please proceed, ma'am.

SENATOR KARPIEL:

Those were not red herrings; those were the products of the -- of the negotiations that we all talked about this morning, that Senator Severns has worked so hard over so many weeks and so many

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months to achieve - to get a bill that will do what the objective of this bill is, and that's to get family leave. They're not red herrings; they're something that the House didn't like and the women's groups didn't like, or -- the unions didn't like, because we had a negotiated compromise that did the objective. I think they want the issue. They don't want the bill. Or they want the bill, but they don't want the issue. Somehow or other, I think it stinks. And I would urge a No vote. We had a good bill here this morning, and I think this is disgraceful.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio.

SENATOR DEMUZIO:

Thank -- thank you, Mr. President, Ladies and Gentlemen of the Senate. I really wasn't going to say anything on this bill again, but, you know, it's politics as usual on the other side. You know, you want the -- you want the issue of family planning -- or family leave, but you don't want to do it without the tax breaks. It won't pass in the House, and you don't want it either. And so you're going to go out there in the campaign and you're going to tell the folks that the reason that you voted against family leave was because the corporations didn't get a tax break. Boy, I'd like to see you sell that between now and November of 1992. I said that the public wants this issue resolved. Ladies and Gentlemen, they do want this issue resolved. And you know what's in your polls over there. You can't polarize this issue any longer. It's laid bare for everyone now. So let's get on with the business. The art of politics is to compromise. This is the compromise, and it's without the tax breaks for corporations. This is, indeed, a family issue that everyone talks about in 1992. It's finally here. Let's do something productive in this General Assembly on behalf of families in Illinois, for once and for all. Thank you.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from DuPage, Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. Earlier today we - I believe, no matter how sweetened up the concept was - we made a mistake. And those of us that worried about principle -- and I will say again that I rose before on what I thought was principle, and have risen in times past on what I thought was principle - not politics. But this morning we opened the door, and business opened the door, to an interloper that was knocking outside. And in order to get in, they had sprayed this interloper with perfume. He smelled better. He looked better. They dressed him up a little bit. And apparently, with the help of some business people, they let this interloper in the house of business in the State of Illinois. And once inside now, this interloper is reverting to what some of us thought he was to begin with - something that we do not want inside the house of business. And I don't understand yet, on the basis of principle, why we have to invite the State of Illinois - the Government of Illinois - to say to business, "You will do this, and you will do it that way," on the assumption that everybody in the State of Illinois wants this. I don't even accept that. I don't think everybody in the State of Illinois wants this. They want fair treatment from business, yes. But I think many people - many people I know - are looking to business itself to solve some of these problems and to do what is right. And I believe if -- if our businesses are left to their own devices, they will respond to legitimate demands of women for the kind of treatment that they should have - and men too - in their businesses. I still do not feel, on the basis of principle - not politics, but principle - that this is the wrong direction. We've invited this character into the house of business now, and I think the thing to do is to throw him back out where he was.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Lake, Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this morning I voted for the family leave bill that Senator Severns had proffered to this Assembly. It was the first time I voted for one, because, as the Gentleman said earlier, we must compromise. You're darn right we should compromise, because if we don't have any businesses here, we're not going to have need for labor. And I think we have to be fair to both. I worked in a factory for thirty cents an hour; I know what it's all about. You want to talk about compromise? Compromise and -- with common sense. If you want some of these companies with -- who have more than a hundred employees -- feel that they've been set upon and they want to open up branches elsewhere than Illinois, that's where your art of compromise goes down the drain, because you're not going to have jobs. I'm committed to keeping jobs in Illinois and bringing more jobs in Illinois. And I've talked to some of our big companies, and I persuaded them that this bill that Senator...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Leverenz.

SENATOR GEO-KARIS:

...Severns had - that was Senate Bill 484, if I remember correctly - would be the step in the right direction, because we do give a little bit of a tax break to the company. What's wrong in trying to help each other? If the company's going to be happy, they're going to be hiring people, and they're going to keep them on the payroll. But this attitude of the compromise - what compromise? You're not making any compromise. You just don't want to go ahead with the bill that was passed this morning. That was a good bill. And I ask for a No vote on this one.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You know, first of all, would the sponsor yield for the question?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR JACOBS:

In this bill, Senator, is a sibling part of the family, or not?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Leverenz.

SENATOR LEVERENZ:

It is not. As I stated earlier, there are three things that are not: One is the credit; two is the sibling; three is the study for the Department of Employment Security.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

I'd like to introduce to this Body a person who has spent many good years here - the Comptroller of the State of Illinois, former Senator Dawn Clark Netsch. Dawn, good to have you with us. Senator Jacobs.

SENATOR JACOBS:

Well, to the bill, then. You know, I guess that if we don't include siblings as part of family, I don't know what I have and I don't know how my children are related to each other, then. But I guess I've got a bigger problem, and it's a little bit -- one that is being stated by some of the -- the Senators on the other side of the aisle, in regards to the other side of the rotunda. I agree - I think we sent out a bill that I was originally opposed to, as Senator Severns brought it up. There are still some problems with that bill, as I see it. But yet at the same time, Senator Severns worked out a good compromise. She got support from that side of the aisle, and now it's over on the other side

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of the rotunda. Senator Rock, in his normal, good fellowship, has heard this bill over here. And I think that we should withdraw this bill until we hear from the other side of the rotunda on the bill that we sent over there; or, if that cannot happen, let's at least debate them simultaneously, and let's vote them both out or both down so we know where we're at. I think Senator Severns deserves a vote on her bill over in the House. And if we pass this, I'm going to guarantee you one thing: We sure are not going to get the vote on the other side of the rotunda. I ask for an Aye vote -- I mean, a No vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Joyce.

SENATOR JOYCE:

Does the sponsor yield?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Yes, he -- he indicates he will.

SENATOR JOYCE:

Senator Leverenz, do you know - has the bill that went out of here earlier today -- has it been called in the House?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Leverenz.

SENATOR LEVERENZ:

It has not, and they have adjourned.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Don't be too testy, now. Senator Rea.

SENATOR REA:

Thank you, Mr. President. I feel that this bill is -- is a bill that -- with the loophole taken out on the tax credit, makes it a much better bill than the one that we had supported or had voted on today, here in the Senate. I rise in support of this bill. I -- I think this was one that not only several people had a concern about the tax credit loophole, but also I think that

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some of the other bills that have gone over to the House, that there has been some expression of concern, by not only the House, but by the administration, about tax credits. So I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Raica. Raica, please.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I wasn't going to speak until I heard Denny Jacobs speak. I think the comments that I made this morning about family leave and about finally having the bipartisan support at least got some Republican votes for that bill. And I think that we should not, at least on this side, fall to the games that are being played in the House. I have supported family leave in the past. I've been with Penny since she's had the bill, but what a difference a sponsor makes. So I'm going to ask the people on my side of the aisle to vote Present until we get Penny's bill back, and let them take a vote on that one. That's what the people wanted to get out of here - something that was bipartisan; something that doesn't stink like this one.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Leverenz, to close.

SENATOR LEVERENZ:

Well, I haven't had somebody say that about my -- one of my bills since I left the House. Sorry. But I ask you - and in your case, sir, hold your nose, vote Aye - ask for your Aye vote to pass the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall the Senate concur in House Amendment No. 4 and 10. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. Question is -- there are 27 Ayes,

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17 Nays, 12 recorded as Present. And the Senate does not concur in House Amendments No. 4 and 10, and this fails. I'm sorry? Gentleman asks leave to put it on Postponed Consideration? Leave. Postponed Consideration. No -- which way do you want it? Fine. It's lost. 1892 is lost. President Rock.

SENATOR ROCK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, as I'm sure you are painfully aware, we have, this morning, struck what I think is a valid budget agreement. In order to implement that, however, we have been working very closely with the Bureau of the Budget and the Governor's people all day, in attempting to reconstruct and restore some of the cuts that were made. The fact is, the paper is still about three hours away. My judgment is that we are better served by adjourning or -- till this morning -- a little later this morning. We are at the extraordinary vote level. There are a number of conference committees that are in the works and will be available tomorrow morning. But I think in everybody's best interest, and I would move, Mr. President, that we stand adjourned until ten o'clock -- or recess until ten o'clock this morning.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Brookins, what purpose seek recognition? Brookins, please.

SENATOR BROOKINS:

I rise on a point of personal privilege.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

State your point.

SENATOR BROOKINS:

A few minutes ago there was a vote on the Floor that affected my district - the airport bill - the Lake Calumet Airport bill. I did not get an opportunity to speak on that bill, and I have represented that district for six years here in the Senate. The



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most important thing to happen in this and I did not have my voice lent one way or another to the passing or the defeat of that bill. I don't think that any other Senator ever, that I can remember of a bill that affect his district in the way that this would affect my district, would not be allowed to speak. And, Mr. President, I feel hurt; I feel crushed; and I feel disrespected. For awhile I thought that it would be best if I just left this -- this Senate and not come back to this Floor ever again. But I don't think that that is what the people sent me here to do. They sent me here to voice an opinion and to vote what they have sent me here to vote for. I don't think that no Senator I can ever remember has ever been that disrespected in that regard. And I don't know what to -- to say or what the President should say about it, but I know that the light was on. I had my light on first - when the bill was first called; they went all around the room; they talked to Senators from all over the State of Illinois; and yet, they would not hear the voice of the Senator that represent that district.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Rock moved that the Senate stand adjourned until nine o'clock tomorrow morning -- or recess. Recess till Wednesday, July 1st, 10:00 a.m. Senate stands in recess till 10:00 a.m., July 1st.

(RECESS)

END OF TAPE

TAPE 2

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(SENATE RECONVENES)

PRESIDENT ROCK:

The hour of ten having arrived, the Senate will reconvene. Prayer on this Wednesday, July 1st, by the Reverend Stan Hopwood, Mexican Border Mission, Brownsville, Texas. Reverend.

THE REVEREND STAN HOPWOOD:

(Prayer by the Reverend Stan Hopwood)

PRESIDENT ROCK:

Thank you, Reverend. Message 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 adopt the First Conference Committee Report on House Bill 3493, and requests a Second Committee of Conference to consider the differences between the two Houses in regards to Amendment No. 1.

Action taken by the House, June 30, 1992.

PRESIDENT ROCK:

All right. With leave of the Body, the Senate will accede to the request of the House. Without objection, leave is granted. All right. Ladies and Gentlemen, we will begin on page 19 on the Calendar. Senator Dart has a matter on Non-concurrence, and then we will begin on Conference Committee Reports and move right through the list. There are, I'm told, about twenty-eight or thirty conference committee reports. The rather lengthy amendment to the budget bill is being duplicated as we speak, and as soon as it is available, the Members will certainly have it. Page 19 on the Calendar, House Bill 3986. Senator Dart. Madam Secretary, on the Order of Secretary's Desk, Non-concurrence, is House Bill 3986.

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SECRETARY HAWKER:

Senate Amendment No. 1 to House Bill 3986.

PRESIDENT ROCK:

Senator Dart.

SENATOR DART:

Thank you, Mr. President, Members of the Senate. House Bill -- I move that we refuse to recede from Senate Amendment No. 1 to House Bill 3986, and that a conference committee be appointed.

PRESIDENT ROCK:

All right. Senator Dart moves that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 3986, 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. Bottom of page 19. 180. Senator Rea. Madam Secretary, on the Order of Conference Committee Reports, there's a Conference Committee Report with respect to House Bill 180. Madam Secretary.

SECRETARY HAWKER:

Second Conference Committee Report on House Bill 180.

PRESIDENT ROCK:

Senator Rea.

SENATOR REA:

Thank you, Mr. President and Members of the Senate. This is an agreement for unemployment insurance which was negotiated by labor and employers, and is certainly to be commended for the hard work and the many hours that they spent around the table in coming up with this agreement. And the agreement is due to sunset at the end of 1996. This extends the 1992 sunset provisions for unemployment benefits and employer taxes to 1996. It limits the increases for employer tax rates and increases benefits to the unemployed. It exempts free-lance newspaper writers and certain individuals who deliver newspapers directly to consumers. Permits

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an unemployed person with court-ordered custody of a child to receive additional benefits for child care. This has come about in many hours of negotiation, and is supported by the Illinois Chamber, the Illinois Manufacturers' Association, the AFL-CIO, the National Business -- Federation of Business, Management Association of Illinois, and the Illinois Retailers' Association. And I feel that this is a -- a good negotiated bill, shows that the process can work, and certainly would ask for your support.

PRESIDENT ROCK:

All right. The Gentleman has moved that the Senate adopt the Second Conference Committee Report on House Bill 180. Discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. Just as a follow-up to Senator Rea: As he has so very ably stated, all the major components of labor and business have signed off on that -- on this proposition. They've worked very hard to do so, have reached an agreement, and I, too, would urge support of this Conference Committee Report.

PRESIDENT ROCK:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I'm not going to get in the way of this bill, but I think -- you know, the agreed bill process works in most cases, but we've got still one issue out there that I think has not been addressed by this, and that is the independent contractor issue. And I think that's the biggest issue in unemployment insurance that there is out there, and I think that it's one that we should continue. And hopefully the -- the Chairman of the Labor Committee will agree to continue to allow that to work throughout the summer, and perhaps come up with some agreement. It's my understanding the agreement is just a thread away from -- from being finalized between all parties concerned,

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and I'd like to see that at least eligible to come back in the fall. And I would hope the Chairman would give us that opportunity.

PRESIDENT ROCK:

Further discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 180. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 180, and the bill, having received the required constitutional majority, is declared passed. ...(machine cutoff)...of page 20. 2767. Senator Dart. Conference Committee Report. We're at the top of Page 20, Ladies and Gentlemen. We will be going through pages 20 and 21 to pick up the conference committee reports that were filed yesterday or the day before. House Bill 2767, Madam Secretary.

SECRETARY HAWKER:

Second Conference Committee Report on House Bill 2767.

PRESIDENT ROCK:

Senator Dart.

SENATOR DART:

Thank you, Mr. President, Members of the Senate. House Bill 2767 represents numerous criminal provisions that, for the most part, passed both Houses. They got caught up in other bills. This was a group of bills which I'd talked with Representative Homer and Senator Hawkinson on. These are noncontroversial -- bills that are contained in here. One -- three portions of it were on the original bill, which passed out of here 59 to nothing. It would expand the definition of an "institutionalized person," which had a negative impact in the criminal sexual assault cases. Would remedy that problem. It makes a technical change in the

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definition of "prima facie" so that it -- in response to a recent case law, *People versus Atteberry*. Makes numerous technical changes in the law. We also included in here a provision which the Medical Society and the Department of Corrections worked out a compromise, which would -- would not require the doctors to be witnesses to the execution. They would still be required to pronounce death. This was what the Department of Corrections was looking for, and the Medical Society, and this was a noncontroversial portion of this bill. We also inserted a provision dealing with good-time behavior in county jails, to deal with a problem in Fulton County. We expanded resisting or obstructing a police officer to include correctional officers as well. In addition to that, we also took care of a problem that was experienced with the new aggravated DUI Statute which did not deal with an individual who had previously been convicted of reckless homicide, and that also has been clarified with a technical amendment as well. And I'd ask for the adoption of this Conference Committee.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of the Conference Committee Report on House Bill 2767. Is there any discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 2767. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 2767. The Report, having received -- the bill, having received the required constitutional majority, is declared passed. Senator Raica. Yes, middle of page 20, Madam Secretary, there's a Conference Committee Report on House Bill 3037.

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SECRETARY HAWKER:

First Conference Committee Report on House Bill 3037.

PRESIDENT ROCK:

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 3037 - the Report would allow a fire protection district to annex up to sixty acres of territory with a frontdoor referendum approval of the owners of the territory to be annexed. We put the frontdoor referendum on there, and that was one of the reasons that it came back here. In addition, the Report adds the revised language from House Bill 3020, which was sponsored by Senator Dudycz and Representative Barnes, but the bill was held in the -- the Senate Transportation Committee. The language provides that the law -- that law enforcement officer or agency shall report to the Secretary of State the use of a driver's license or Illinois identification card by a person under the age of twenty-one who uses this ID to purchase or to sell an alcoholic beverage. The Secretary of State shall provide a form on which to make such reports. I have letters from the Illinois Police Association, the Women's Benevolent and Protective Association of Illinois, the Police Chief of the University of Illinois at Champaign-Urbana, and the Illinois Sheriffs' Association, who support the bill. And I would just ask for a favorable roll call, Mr. President.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of the Conference Committee Report on House Bill 3037. Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I rise in opposition to the Conference Committee Report on House Bill 3037, regarding the

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amendment that was just explained. Already in Illinois when someone uses an ID, they are convicted of a criminal offense. We prosecute them for that, and the Secretary of State already has the authority to suspend and revoke drivers' licenses. They've come in with this amendment which says that they're going to forward information not just for convictions - which would be fine - but they're going to forward information on simply police reports or other reports of alleged use of an ID, without any conviction, without any -- any hearing by a court that shows whether a person is guilty or not. There was a case out of the suburbs where a student in Iowa was charged with using an ID. The evidence wasn't there. The court threw it out, and yet there was a suspension anyway. That's what you're -- that's the kind of system you're setting up Statewide if you adopt this amendment. Now if the sponsor wants to dump this Report and go to a Second Conference Committee Report that encourages and that mandates the reporting of convictions, or even of supervisions where there's a finding of guilty, fine, but not to report any unsubstantiated allegation of unlawful use of the ID. We're going to suspend drivers' licenses without a hearing, without a conviction, without even a finding of guilty? That's what this Report sets up. I'm all in favor of it. We already crack down on these folks, as we should, but we ought to limit this to convictions.

PRESIDING OFFICER: (SENATOR COLLINS)

Excuse me, Senator Raica. WPGU requests -- FM107 requests permission to record. Is leave granted? Leave is granted. Now, Senator -- Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Madam President. The original legislation I sponsored with -- with Representative Barnes would have automatically revoked the driver's license of the person under twenty-one who -- who was attempting to purchase or sell alcoholic



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beverages. This is -- this is a compromise language. As Senator Hawkinson earlier had -- had stated that -- previously, the Secretary of State does have the authority now to revoke the license -- license of a -- of a minor when -- when he is investigating these -- these facts. What this does -- this language does is that it -- it requires a law enforcement agency to provide the information to the Secretary of State's Office so that the Secretary can exercise his discretion on whether he should or should not make the -- or enforce the rules, as he has the authority to do so now.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Raica, to close.

SENATOR RAICA:

Thank you, Madam President. Representative Barnes and I have tried to work to make this piece of legislation amenable to a lot of people, and here we are trying to change it again. I just beg everybody's indulgence and ask for a affirmative vote on this House Bill 3037.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall the Senate adopt the First Conference Committee Report to House Bill 3037. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 18 Ayes, 34 Nays, none voting Present. Having received -- and the Senate -- having failed to receive the required majority, the motion failed. Senator Raica.

SENATOR RAICA:

Madam President, would I be out of order to call for a -- request a Second Conference Committee Report?

PRESIDING OFFICER: (SENATOR COLLINS)

That's in order.

SENATOR RAICA:

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Thank you.

PRESIDING OFFICER: (SENATOR COLLINS)

The Senator is requesting a Second Conference be appointed.  
House Bill 3261. Senator Macdonald. Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3261.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Madam President. 3261 puts back into the bill all of the Senate amendments that were added to it. It passed out of the Senate 55 to nothing. It also adds Senate Bill 1892 to this, and that is the bill which provided for counseling remedy for minors who are sexually assaulted or abused by an acquaintance, neighbor, date or person in position of authority. So I urge your passage.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report to House Bill 3261. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Having received the required constitutional majority -- the Senate does adopt the First Conference Committee Report to House Bill 3261. And this bill, having received the constitutional majority, is declared passed. House Bill 3266. Senator Marovitz. House Bill 3315. Senator Marovitz. House Bill 3483. Senator Severns. Madam Secretary, read the bill.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3483.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Severns.

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SENATOR SEVERNS:

Thank you, Madam President, Members of the Senate. This Conference Committee Report meets the concerns that were raised originally in committee when this bill was heard. It removes limitations for persons, associations or partnerships engaged in the business of collecting child support ordered by the court. It provides that an individual can be contacted more than once a week, and that that employers -- that individual's employer can also be contacted in an effort to collect child support. I believe the Conference Committee Report made a good attempt to address the concerns that were raised originally in the Senate committee. I know now of no opposition, and would move for a favorable vote.

PRESIDING OFFICER: (SENATOR COLLINS)

WAND-TV requests permission to record the Session. Is permission granted? Hearing no objections, permission is granted. Further discussion? If not -- Senator Fawell.

SENATOR FAWELL:

Thank you. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR COLLINS)

She indicates she will yield.

SENATOR FAWELL:

For the legislative intent, we are definitely limiting this to people who are in arrearage for child support. They cannot add on the fact that he also owes for a car and what have you. Am I right?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Severns.

SENATOR SEVERNS:

That is absolutely correct, Senator. Those provisions have been deleted.

PRESIDING OFFICER: (SENATOR COLLINS)

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Further discussion? Senator Severns, to close.

SENATOR SEVERNS:

I would just ask for a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall the Senate adopt the First Conference Committee Report to House Bill 3483. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none -- none voting Present. And the Senate does adopt the First Conference Committee Report, and House Bill 3483, receiving a constitutional majority, is declared passed. House Bill 3495. Senator Jacobs. Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3495.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. -- Madam President, Ladies and Gentlemen of the Senate. I ask for support of House Bill 3495. We succeed -- we recede from Senate Amendments 1 and 2. Senate Amendment 1 was an amendment by Senator Madigan, and that's going on another bill, as I understand in conversation with him. And then we add back in Senator Hawkinson's amendment, and this has to do with waiving of written administrative orders of the chief judge, upon written request and affidavit of the State's attorney of their county within the circuit, affirming certain facts. And I ask for its support.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report to House Bill 3495. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the

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record. On that question, there are 58 Ayes, 1 Nay, none voting Present. The Senate -- and the Senate does adopt the First Conference Committee Report to House Bill 3495. And having received the required constitutional majority, House Bill 3495 is declared passed. Chicago Tribune requests leave to -- for still photographs. Is leave granted? Hearing no -- hearing no objection, leave is granted. Top of page 21. House Bill 3586 <sic> (3568). Senator Dunn. Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3568.

PRESIDING OFFICER: (SENATOR COLLINS)

3568. Senator Dunn.

SENATOR T. DUNN:

Thank you, Madam President. This Report contains the original language of House Bill 2798, which permits a bank to purchase unrated securities of public agencies. This provision was and is supported by the Commissioner of Banks and Trusts. The other provision is that it permits the Commissioner of Banks and Trusts to intervene in a court or administrative proceeding to obtain a protective order to protect the confidentiality of a bank report. I think all conferees, except Senator Butler, signed the Report, and it was only because he didn't have a chance to sign it, due to the -- the craziness of last night. So I urge a favorable vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Senator Keats.

SENATOR KEATS:

Just as Minority Spokesman, there was some concern about allowing the investment of unrated securities - something we'd done in the past. We met with the Commissioner and the industry and made it very clear that we felt it was inappropriate that unrated securities be bought without any backup, and so there is a policy letter that will come out from the Commissioner of Banks,

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explaining that if there's any question on any of these, he has the right to review them. He sets standards to know what they are. Pretty reasonable provision, and I commend all of us for getting that bill put together. Thank you.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Dunn, to close.

SENATOR T. DUNN:

Thank you. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall the Senate adopt the First Conference Committee Report of House Bill 3568. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And the Senate -- having received the constitutional majority, Senate does adopt the First Conference Committee Report of House Bill 3568, and this bill, having received the -- a majority, is declared passed. House Bill 3598. Senator Davidson. House Bill 3707. Senator Schuneman. Madam <sic> Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 3707.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Madam President and Members. This is the bill that would ban the use of radar detectors in heavy trucks. The House refused to concur with the Senate amendments, and the bill has gone back and forth between the House and the Senate, but now is basically in the same posture that it was when it was originally introduced, except for two principal changes. There has been some reduction in penalties, so that the conviction for the second offense has been reduced from two hundred and fifty dollars to one

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hundred dollars. The bill also originally provided for the seizure of radar detectors. And under this version now, the detector would only be seized on the second offense. So basically, the bill is as it was introduced here. Also, there is the provision that would make this a secondary offense, which was requested when the bill was before committee here. I think that the bill now addresses the objections of the manufacturers. It has the support of one of the trucking associations in Illinois, and is probably in as good a condition as we can get it for passage.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Senator Watson.

SENATOR WATSON:

Question of the sponsor, please. Thank you.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR WATSON:

I'm sorry. I was off the Floor when the debate began, and I don't know if the Senator mentioned - is the provision in here that would have prohibited people who are stopped at traffic stops from receiving a ticket for either the radar detection violation or a seat belt violation? Is that...

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schuneman.

SENATOR SCHUNEMAN:

No, Senator. That -- as you recall, there were two amendments adopted in the Senate. The one was the agreed amendment that we agreed to when it was in committee, about the -- about it becoming a secondary offense. The other amendment was not concurred in by the House and is not in the bill at this time.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Watson.

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SENATOR WATSON:

Well, I originally supported this legislation because I -- I felt that the impact of prohibiting individuals, the motoring public in Illinois, from being ticketed for a seat belt violation during a traffic stop was important enough to me to support the legislation initially. Of course now, if this passes, a part of that amendment would have been to prohibit radar detector tickets being issued during a -- during a traffic stop. So, with that -- with that language out, now I'm unfortunately going to have to oppose the legislation. I -- I would hope that a message has been sent to the law enforcement community throughout this State that maybe some of us don't really appreciate traffic stops and ticketing those people who are violating the seat belt law, and now we have the radar detector law. So I have a real problem with -- with what's been going on out there with some of our law enforcement community. But anyway, I'll be voting No.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schuneman, to close.

SENATOR SCHUNEMAN:

Well, thank you, Madam President. I think I want to make two points in closing. First is that this bill only applies to heavy trucks and does not apply to those passenger cars that might be using radar detectors, and I think the passenger cars were one of the -- the principal concerns of Senator Watson, Senator Hawkinson and others, who wanted to go beyond the subject of radar detectors and restrict the enforcement of seat belt laws in Illinois. So bear in mind that this only applies to heavy trucks - those twenty-three thousand pounds and over. It is an initiative of the Secretary of State. They worked on this issue for a long time, and I would hope that we could pass this at this time and see if, in fact, this will have an impact on speeding trucks in Illinois. I urge your support.



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PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall the Senate adopt the First Conference Committee Report to House Bill 3707. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 46 Ayes, 11 Nays, none voting Present. And the Senate does adopt the First Conference Committee Report to House Bill 3707, and this bill, having received the required constitutional majority, is declared passed. House Bill 3739. Senator Topinka. Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 3739.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Topinka.

SENATOR TOPINKA:

Yes, Madam President and Ladies and Gentlemen of the Senate, in this Conference Report we are concurring with the first three Senate amendments and receding from the last two. The last two were those amendments which tried to put together something on supernumeraries in the Chicago school system. They are now out of the bill. So I repeat: the supernumerary issue is out of this bill in total. So what this bill finally does do, and I would stress it started life as a Legislative Audit Commission bill and it affords community colleges sixty days to respond to an Illinois Community College Board recommendation to discontinue an educational program prior to final action by the ICCB. And this does allow for an appeal process to that community college. It allows community colleges to appeal the ICCB decisions. It provides a five-year transition period so that indeed the community colleges of Illinois can adopt the Uniform Financial Accounting System that was established by the ICCB and recommended by the Legislative Audit Commission. The second part is what we

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call the Rigney amendment, and this would allow a school in Senator Rigney's district - but it would be applicable now to all schools, through a frontdoor referendum - to be able to levy their maximum so as to accumulate capital for six years, thus being able to buy property or a school building, a school site or both. Also, the third amendment that we have added into here is something that the Morton High School District in Cicero has asked for, and that is basically a mirror of something that is defined in the School Code, which is educational facilities that can be leased. That would include buildings, rooms, grounds and appurtenances used for schools or for school administration. I think everybody is signed off on the bill, and I would seek your favor -- your -- good vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Topinka has moved the adoption of the First Conference Committee Report to House Bill 3739. Discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report of House Bill 3739. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, 2 Nays, 2 <sic> (1) voting Present. And the Senate does adopt the First Conference Committee Report to House Bill 3739, and this bill, having received the required constitutional majority, is declared passed. House Bill 3746. Senator Jones. Madam Secretary. Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 3746.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Madam President and Members of the Senate. I move the Senate adopt the First Conference Committee Report on

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House Bill 3746. In the Conference Committee, the bill allows a multiple trailer used by large freight companies to use the converter dolly. Also included in there is that a corporation must carry commercial insurance for bicycle messenger services. It also prohibits the vehicles manufactured before January 1, 1992 <sic> from having tinted windows installed on the left or front windows or the windshield. And the exemption is granted for those cars which already have tinted windows before January 1, 1992 <sic>. Illinois State -- I mean, Police. It adds definition to "refuse." And also in here on page -- I want to read for the record, on page -- on page 14 of the bill, that when a hauler is paid by a generator or receive material without cost, the weight exemption continue to apply. This piece of legislation had been worked out between the trucking industry, Illinois State Police, and I ask for a favorable vote on this Conference Committee Report.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jones has moved the adoption of the First Conference Committee Report of House Bill 3746. Discussion? Senator Keats.

SENATOR KEATS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR KEATS:

Okay. The amendment that was 3790 held in the Rules Committee that has to do with prohibiting commercial bicycle messenger services from operating unless they've got liability insurance - that's -- that's reasonable; I don't have any trouble with that. But then at the end - this is what I'm unclear of, and I'm just asking to be sure - it said it applies only to service in a city of more than two million. Do you mean the liability insurance or do you mean are we banning these bicycle messengers in towns

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smaller than two billion <sic>?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jones.

SENATOR JONES:

The insurance.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Keats. Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR COLLINS)

Indicates he will yield.

SENATOR HAWKINSON:

Senator, with regard to the tinted window issue, as I understand it, this bill only prohibits pre-1982 cars from putting additional tinting on and in no way says that if they purchased a car manufactured before '82, they cannot maintain whatever tinting was already on it. Is that correct?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jones.

SENATOR JONES:

Yes, you are correct. You're correct.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Kelly.

SENATOR KELLY:

Senator Jones, does this relate to the local fines -- did the Municipal League sign off on this?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jones.

SENATOR JONES:

Yes, Senator Kelly, the Municipal League has signed off on -- on this piece of legislation.

PRESIDING OFFICER: (SENATOR COLLINS)

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Further discussion? Senator -- Senator Kelly.

SENATOR KELLY:

Is there anything in here about tripling the trailers at all?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jones.

SENATOR JONES:

Just the dolly converter issue that allows one to drop a trailer and move so -- to clear up a -- a conflict in the law, the Motor Vehicle Code, so that one could be legal in doing what is common practice. And it's a recommendation by the State Police.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jones, to close.

SENATOR JONES:

I just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall the Senate adopt the First Conference Committee Report to House Bill 3746. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, 4 Nays, 2 voting Present. And the Senate does adopt the First Conference Committee Report to House Bill 3746. And having received the required constitutional majority, House Bill 3746 is declared passed. House Bill 3828 <sic> (3882). Senator Munizzi. Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 3882.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Munizzi.

SENATOR MUNIZZI:

Thank you, Madam President, Ladies and Gentlemen of the Senate. In its original form, House Bill 3882 authorizes school boards to develop recycling programs in district offices. The

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Conference Committee Report adds a provision that reduces the amount of reserves that the Chicago School Finance Authority requires the Board of Education to maintain, and changes the effective date till February 1 of 1993 <sic>. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Munizzi has moved the adoption of the First Conference Committee Report of House Bill 3828 <sic> (3882). Discussion? Senator Karpiel.

SENATOR KARPIEL:

Well, thank you, Madam Chairman. I stand in opposition to this bill, particularly at this time. First of all, I'm opposed to it because the Chicago School Board can do this if they wish. It doesn't have to be done legislatively. The only reason it's being done legislatively is because it has to get the approval of the School Finance Authority in Chicago, which it doesn't have. And that's why they've come to Springfield looking for this permission. I'm also opposed to it because there is another Conference Committee Report being worked on that would put this language into it, which would help out Chicago presumably, but they would also put some language in that would help out Downstate schools, dealing with our transportation rates. We had that bill in the Senate. I believe it passed out of the Senate and never went anyplace in the House. And those of us from Downstate -- and it helps about seventy-five percent of Downstate districts - the transportation rate. So I would -- I would prefer to vote No on this bill and hopefully revisit it on a new conference committee, where we can all have something to take home to our school districts.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Brookins.

SENATOR BROOKINS:

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Thank you, Madam President, Members of the Senate. I rise in support of this bill. We found during the crisis last year that the Authority refused to reduce the amount of reserve and allow the Board of Education to use that money to open their schools. It was proven through evidence and documented that they did not need the large amount of reserves that they was holding, and they wanted to reduce it down to a hundred thousand dollars, rather than -- million dollars, rather than the hundred and fifty million dollars that they're holding. They're holding more of a reserve for the Chicago public schools than the State of Illinois is holding as a reserve. And therefore, this bill is in order, and I move -- and support its adoption.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Madam President. I too stand in strong support of this bill. We worked very hard to have this same measure passed last year. I'm glad to see that it has come before us and that we have an opportunity to vote for it, and I suggest that we do so. Thank you.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Ladies and Gentlemen of the Senate - and thank you, Mr. President - this is a very important item for the Chicago school system. As you all know, the finance committee that was created about ten years ago has established certain rules and regulations which during good times are sufficient, and everybody should try to abide by them. The State of Illinois has been placed in the same position. We just transferred funds from other accounts in order to try to get some additional revenue within the State of Illinois General Revenue Fund, and what we're trying to do here in

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the Board of Education is to decrease it by thirty-five million dollars. This will give us a window of opportunity to make sure that the kids go back to school in September. There's still going to be a reserve, as we do have a reserve in State Government. And I think if anybody who's read the Chicago papers during this crisis, as far as the finances within the Chicago school system, would agree that this is a needed bill, and I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, actually I do read the Chicago newspapers, and I recall an article not too long ago talking about the property tax assessment-driven increase that the Chicago school system is going to get this year. I believe the figure was twenty-percent increase in one year? I thought the purpose of this reserve fund was to provide for the lean times, and I figure if they are, in fact, knocking down a twenty-percent increase in assessed valuation-driven property taxes, things aren't too bad. Things aren't too bad. Maybe we ought to keep this money in reserve for a year when they don't get that kind of an increase. I suspect, at some point in the future, those of you who will be here in the future will hear part of the justification for some bailout will be, "And remember, in '92 you took the money out of the reserve. You took the money out of the reserve, thereby justifying whatever the plan will be in the future." Hey, gang, I wish we had a twenty-percent increase to play with. Why don't we just leave a few dollars in the till for the lean years?

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Madam President. What are we doing here? Once



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again we are allowing Chicago to alter their finances, to take thirty-five million - think of it, thirty-five million - out of their reserves. Let me tell you that there is another bill that has gone through this Legislature which would have been very beneficial to Downstate schools. Do you remember the revision in the transportation formula? Over eighty percent of your districts would have benefitted. It would have been a little difficult for Chicago. We put a hold harmless in there. It would have taken a while for them to become more cost-effective and to receive adequate reimbursement from the State. It was a very well-thought-out bill. It would have been very helpful to all of your schools, and it's been put on hold in the House. Why? Because the City of Chicago does not want Downstate to have a benefit unless it can find something that it can do for itself. There was some talk of combining what this bill is trying to do with something for the Downstate schools in the way of transportation formula help for those cost-effective Downstate school districts that need to transport all of their students. This bill is not the one. This is strictly another benefit for the -- for the Chicago schools, taking thirty-five million dollars away from their reserves. Pay attention to this. Is this what we want to do? I ask you to oppose this bill.

PRESIDING OFFICER: (SENATOR COLLINS)

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

SENATOR MUNIZZI:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Needless to say, this is something that we need to do. Contrary to -- to popular belief, it's not always something we'd like to do; it's something we need to do. In the past, we've taken money from other locations for State Government, as -- as Senator Schaffer referred to, and -- and that was something we had to do. Again, we didn't like it, but it was something we had to

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do. This will help the Chicago Board of Education. It's money that they need. I ask for your favorable support to adopt this Conference Committee Report. Thank you.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall the Senate adopt the First Conference Committee Report to House Bill 3828 <sic> (3882). Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 24 Ayes, 34 Nays, 1 voting Present. And the Senate fails to adopt the First Conference Committee Report to House Bill 3828 <sic> (3882), and the Secretary shall so inform the House. Senator Munizzi. The sponsor is requesting that a Second Conference be appointed. House Bill 3884. Senator Cullerton. Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 3884.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Madam President and Members of the Senate. This is the trauma center funding bill that has been agreed to by all interested parties, including the hospital associations, the Department of Public Aid, the Department of Public Health, the Municipal League and the counties. What happened with this bill -- as you may recall, the bill came out of the House saying that if the Supreme Court ever increased the required amount of bail above fifty dollars, that a five-dollar amount would go into the trauma center funding. And what happened is the Supreme Court, after the bill passed the House, did indeed raise it to seventy-five dollars. So we went to a Conference in order to work out the funding formula. As before, the bill says that the monies that are to be imposed for the trauma center only kick in if the

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actual fine exceeds fifty-five dollars. So we don't -- if the fine is less than fifty-five dollars, we keep the law the same way it is now. When we -- when the fines do kick in, what happens is, half stays in the area in the eleven -- I think it's eleven trauma regions, so that the money collected from Kankakee would stay in Kankakee, and Galesburg would stay in Galesburg, et cetera. The other half is put into the Medicaid Assessment Program, which is matched, of course, by the Federal Government, and that payment methodology is treated based on the total number of Medicaid trauma admissions. The percentages that have been worked out have been agreed to by all of the -- the groups that now participate in the fines, and I'd be happy to answer any questions. I believe, as I said, it's a good way to fund - and a constitutional way to fund - our trauma centers that we have been unable to fund through general revenues, and appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Cullerton has moved the adoption of the First Conference Committee Report to House Bill 3884. Discussion? Senator Raica.

SENATOR RAICA:

Thank you, Madam President and Ladies and Gentlemen of the Senate. I would like to ask the sponsor a question as far as legislative intent, please.

PRESIDING OFFICER: (SENATOR COLLINS)

He -- he indicates he will yield.

SENATOR RAICA:

Senator Cullerton, as you know, there was some question from the Illinois Local Governmental Law Enforcement Officers' Training Board regarding the one Section of the law. Can you tell me what the legislative intent is for adding the court supervision language into the Clerks of Court Act, please?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Cullerton.

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SENATOR CULLERTON:

Yes. This bill, House Bill 3884, is enacted and written with the intention of including all cases with dispositions resulting in supervision, including traffic schools authorized by Supreme Court Rule 529, which require offenders to pay monies to the circuit clerk's office.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Raica.

SENATOR RAICA:

No. Thank you.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor, too.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR WELCH:

Senator Cullerton, you said that the fines will be distributed based on eleven regions. Is that correct?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Cullerton.

SENATOR CULLERTON:

Half of the fines. Fines are split in half and then they're distributed to the Department of Public Health, which then go to the eleven trauma regions.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Welch.

SENATOR WELCH:

The other half of the fine then goes into a fund that is matched by the Federal Government. Where does that money then go? Does it go to all these disproportionate-share hospitals?

PRESIDING OFFICER: (SENATOR COLLINS)

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Senator Cullerton.

SENATOR CULLERTON:

The payment methodology shall be determined for the adjustment payments - and those are called adjustment payments - by dividing the available funds from the Trauma Center Fund by the total number of Medicaid trauma admissions for the most recent fiscal year. So, I -- that's the best answer I can give. The answer, I believe, is yes, that they -- they go through that formula.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Welch.

SENATOR WELCH:

What we have here is a fee -- or a fine being added to traffic tickets throughout the State of Illinois. Half of it stays in the local community; half goes to the State and goes to those disproportionate-share hospitals. I would assume that the traumas are proportionate among the State, similar to Medicaid patients going to those disproportionate-share hospitals. So basically what you've done is you've made a compromise so that fees throughout the State - half go local; half go to a State fund, are matched, and then go to disproportionate-share hospitals. Is that what you've done?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Cullerton.

SENATOR CULLERTON:

Well I -- I don't think that trauma -- the only correction to that -- possible correction is that I don't think that disproportionate-share hospitals equate with the trauma center hospitals. I think -- there's a trauma network which has Medicaid patients come in, and I think -- they don't necessarily coincide with disproportionate share. But the basic concept is, yes; that half stays in the region. The other half goes to Medicaid -- it's -- for matching, and then is reimbursed in that fashion.

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PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. -- Madam President, Ladies and Gentlemen of the Senate. I think the idea behind this is very noble, but I don't know how many of you have done your math on this, and we're doing this in the name of trauma centers. But whenever you really boil it down -- it makes it look like twenty-five dollars of the twenty-five dollars, basically, is going to the trauma centers. But when you get down to the nitty-gritty, to the Trauma Center Fund, out of every twenty-five dollars or the increase of twenty-five dollars, there's only about eight dollars and twenty or eight dollars and twenty-five cents, with quick math, that is going to the Trauma Center Fund. So, I -- I just -- I guess with that, I'm asking the sponsor if, in fact, that is correct. Whenever you take the share that goes to the State Treasurer's Office, that 6.948/17 of the -- goes to the Trauma Center Fund, and my math figures out about eight and a quarter. Is that correct?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Cullerton.

SENATOR CULLERTON:

Well, maybe I -- I'm going to try to understand your question by answering it this way: First of all, remember, this Trauma Center Fund does not kick in if the fine is less than fifty-five dollars, and the fine, up until two weeks ago, was fifty dollars. At least the amount of bail that can be charged. Now the Supreme Court has made that seventy-five. So as a concession, to make sure that this money is viewed as the new money, we're saying that it doesn't kick in till it's fifty-five dollars. Okay? When it's above fifty-five dollars, then the percentage that's designed or earmarked for the trauma was to be -- was based on the fact we

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wanted to raise about five dollars. Out of a total of seventy-five, we wanted to raise about five dollars. And there is a five-percent amount that goes for administrative costs; two and a half percent to the State; two and a half percent to the clerks for collecting it. But the -- the amount of money -- conceptually, this money, if it didn't go to the trauma centers, would go to the people that receive it now, and that would be the county, the city and then the Attorney General's got a little bit, the -- Law Enforcement Advisory Committee and -- I think there's something for the Secretary of State's Office. So they have agreed that of this new money, they're willing to give up a little bit of the new money in order to get the trauma centers. Now all those participants will end up getting more money because of the Supreme Court's action.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jacobs.

SENATOR JACOBS:

Just as a follow-up, I guess. Let me ask it another way, then. It appears to me that, depending on whether you're talking about the twenty or the twenty-five, we're talking anywhere between probably eight and seven dollars going to the State Treasury. And of that, that's going to be split - fifty percent to the Department of Public Aid and fifty percent to the Department of Public Health into a Trauma Center Fund. How much of that then will end up getting back to the trauma center?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Cullerton.

SENATOR CULLERTON:

All of it, except five-percent administrative costs, will go to the trauma center. Half will go to the Department of Public Health for them to keep within their regions. The other half will go to the Department of Public Aid, which will then be matched and

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go through the Medicaid Reimbursement Program.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jacobs.

SENATOR JACOBS:

Excuse me. Just once again to the bill, then: What I'm trying to get through, I guess, is that when we end up, out of the twenty-five dollars that we are trying - or twenty dollars, whichever way you want to look at it - increase in fine that we are selling -- on the basis of a trauma center payment -- of that, only about five dollars will end up back at the trauma centers.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Cullerton.

SENATOR CULLERTON:

We're trying to take about five dollars out of a seventy-five-dollar fine to go to the trauma centers. Now what that means Statewide is about -- after you match it with the Federal Government, it's about seven million dollars that'll go to the trauma centers, and that's seven million more than -- than is going there now.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Jones.

SENATOR JONES:

Yes, will the sponsor yield?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR JONES:

Senator Cullerton, I questioned you on this before, and you indicated to me that the Supreme Court raised the amount of the fine for a moving violation.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Cullerton.

SENATOR CULLERTON:



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Yeah. They raised the amount of the bail that can be charged, and that will have the effect of -- from fifty to seventy-five dollars. So people will have to post seventy-five dollars, rather than fifty dollars. That's what they've done. And so what this bill does is to take -- attempt to take five dollars of that additional twenty-five that would be posted for bail, if someone's convicted. They have to be found -- convicted.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jones.

SENATOR JONES:

So -- but the fine itself, that's left up to the court jurisdiction as to what the fine shall be, right?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Cullerton.

SENATOR CULLERTON:

Yes, and we do not -- and if the court keeps the fine at fifty-five dollars or less, then this bill does not apply. It's only if that court increases the fine above fifty-five dollars does the Trauma Center Fund benefit.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jones.

SENATOR JONES:

Well, that being the case then, I'll still stand in opposition to it, because again, as I indicated to you, those citations handed out are handed out on a discriminatory basis. And out where I'm at, there are no trauma centers, but these are the persons who will be paying for them on the Far South and Middle South Side of the City of Chicago. They are the ones you'll be seeing in traffic court paying these increased fines, but they do not have access to trauma centers, because there aren't any out there. And I don't intend to vote for it.

PRESIDING OFFICER: (SENATOR COLLINS)

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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 Cullerton, I gather -- I'm looking at our analysis right now, and I gather what you've done is kind of reworked the formula. We have always, I understand, given money to the Traffic and Criminal Conviction Surcharge Fund. We were always giving money to the Drivers Education Fund. You are now giving a small percentage - two-seventeenths - to the State Treasurer to administer this whole thing. Is that right?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Cullerton.

SENATOR CULLERTON:

Yes, but we've assured those participants, under the current law, that this will not kick in unless the fines exceed fifty-five dollars, so as to assure them that we're only taking the money from the new money, if you will, that is being authorized by the Supreme Court's action.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Fawell.

SENATOR FAWELL:

So and -- and you still are -- for the monies that you collect locally, you are still taking fifty percent of that and that stays in the local trauma centers, and then the other fifty percent you are taking and -- taking to the feds to have them match it, and then it goes back into the Trauma Center Fund Statewide and is distributed to the local -- to the -- to the trauma centers throughout the State, according to population?

PRESIDING OFFICER: (SENATOR COLLINS)

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Senator Cullerton.

SENATOR CULLERTON:

According -- I agree with everything you said, according to the Medicaid admissions in the trauma centers.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Fawell.

SENATOR FAWELL:

We -- we had this bill in Local Government. I think, frankly, it's a good way to -- to fund our trauma centers. I think this is a -- a problem that we have been looking at now for the last three or four years, and this seems to be the best way to do it. And therefore, I would urge my side to vote Aye for it.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Cullerton, to close.

SENATOR CULLERTON:

Yes, thank you, Madam Speaker and Members of the Senate. This bill did -- has already -- Madam President -- and -- I finally did it again - once a year. The -- the bill did pass unanimously over in the House already - this Conference Committee. It is a good constitutional way for us to raise some money for the trauma centers. A number of hospitals have unfortunately dropped out of the trauma system throughout the State because it's not cost-efficient. This hopefully will encourage some of those to rejoin the system. And again, even if you -- if you don't like the way this money is collected, it's going to be collected anyway, and go to somebody else. They have graciously agreed with us to allow the trauma centers to receive some of these funds, and I think as a result, it's a good bill. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall the Senate adopt the First Conference Committee Report to House Bill 3884. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish?

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Have all voted who wish? Take the record. On that question, there are 50 Ayes, 4 voting Nay, 3 voting Present. And the Senate does adopt the First Conference Committee Report to House Bill 3884. And having received the required constitutional majority, this bill is declared passed. House Bill 4049. Senator Berman. Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 4049.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Berman.

SENATOR BERMAN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I move that we adopt Conference Committee Report No. 1 on House Bill 4049. The bill does two things. It clarifies that constitutionally provided just compensation guarantees shall apply to lawfully erected billboards, just as they do to all other forms of property. It also imposes statutory limitations on the construction of new billboards. This is in conformity with both federal and State constitutional provisions, and is similar to laws that have been enacted in twenty-eight other states. Be glad to respond to any questions.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Berman has moved the adoption of the First Conference Committee Report to House Bill 4049. Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I would like to get some legislative intent in here. There is nothing in this bill - am I correct - that overrules any of the court decisions that have come down in the past couple years between Downers Grove, for instance, and the -- and the billboard companies. Is that correct?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Berman.

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SENATOR BERMAN:

I believe you're correct. In fact, this bill is in conformity with a Supreme Court decision that just came down earlier this week regarding private property. I do not believe that this is in -- contradiction to any current Illinois law.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. I think there's a lot of pros and cons on this bill. I would suggest my side look at it carefully. There is some opposition to it, but I don't know that it's enough to defeat the bill. Please look at it very carefully. The DuPage Mayors and Managers are against it.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Madam President and Members of the Senate, I rise in support of this bill. It puts in place just compensation, but more importantly, they voluntarily put into the law raising the fee that they pay. Presently it's five dollars. It goes to fifty, to a hundred, or two hundred dollars. They did that on their own. Secondly, it spaces out the signs further in the municipalities. Presently it's a hundred feet. It now goes to three hundred. Out on the interstate, it goes to five hundred. They voluntarily have asked to reduce the size of their signs in major metropolitan areas by four hundred square feet. Presently its twelve hundred. They reduced it to eight hundred square feet. This is a good bill. This is in answer to the U.S. Supreme Court decision and agreement between the Highway Department and the billboard people. I urge everybody to vote for it.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Berman.

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SENATOR BERMAN:

I would appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

No. Further discussion? I'm sorry, Senator Berman. I thought you had a question. Senator Cullerton. Senator Cullerton.

SENATOR CULLERTON:

Well, thank you, Madam President. The Municipal League and the City of Chicago is opposed to the bill. The bill was not something that had the benefit of committee hearings, and what the provision does that amends the eminent domain provision is certainly a little bit unclear as to the effect it might have. The point of the -- the bill comes to us from the outdoor advertising associations - the sign people - and what they want to do is to say that the cities must pay them when these signs come down. The question I think is, though, how much value, if any, they should be paid. And it's certainly unclear in my mind as to whether or not it includes just the brick and mortar of the signs, or whether or not it includes future revenues. The bottom line is that there's going to be a cost to the cities, and as a result - well, we know what happens when there's an additional cost to the cities. We know how they get their money - from property taxes, primarily. The sweeteners that are put in, some of which don't even apply to Cook County, I don't think are enough to make this bill any better. There has been a recent Supreme Court decision - and when I say recent, it was like two days ago - that may be the reason why this bill is coming up now, but there's been some other recent Supreme Court decisions that have been very controversial. And I think our approach is to wait and see what they all mean, have a chance to study it and digest it, before we come in with legislation. So as a result, I -- I would indicate that the -- I know the City of Chicago is opposed, the Municipal League is

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opposed, and it's something I think we ought to take a second look at.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Madam President and Members of the Senate. House Bill 4049, this Committee Report, brings Illinois in line with twenty-eight other states and the Federal Government in clarifying that constitutional just compensation guarantees apply to the lawfully elected <sic> billboards, as Senator Berman pointed out, as far as the second portion of the bill. The previous speaker said who was opposed to the bill. For the record, let me put in that the Illinois Retailers' Association are in support of this bill. The Illinois Railroad Association, the Illinois Retail Merchants Association, the Hotel-Motel Association, Patrick Media, 3M, Universal Outdoor, Gannett Outdoor, Whiteco, Key Outdoor, OCI Outdoor, Illinois AFL-CIO, Painters District Council Local 830, Sheet Metal Workers Local 73, United Auto Workers, Bill Posters Local 477, United Brotherhood of Carpenters Local 1693, Automobile Mechanics, Machinists, Aerospace Workers Local 701 and the Operating Engineers. I really don't see this is a very bad bill. I think it merits your support.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you, Madam President. I'm glad Senator Lechowicz just read the list. You know, there's one thing missing, Senator Lechowicz, and that's any community participation in this, or community approval. And they're the ones that are being hurt. It isn't the guys who are going to make a big, fat buck on a billboard, and it isn't the unions, who are going to get a big, fat buck out of -- out of this. It's the communities. Now the

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communities have begun to win minor court battles to control the size and location of billboards. And what this does is just -- just solidify their position. Now those of you who are never disturbed by a billboard in the middle of a neighborhood because it's along a State route, this should make you exceedingly happy. But think about all those communities who would like to control billboards, particularly because they're so ugly - think of what this does to them. So while you're joyous in making all of these organizations and all the unions happy, just once in a while we ought to think about the people who are impacted. I would urge a No vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. You know, I sit here and listen and I hear that our Municipal League and the Mayor of Chicago is opposed to this. And I wonder, you know, how far are they out of step with the rest of the country, in some respects. Let me read to you here just something -- this is out of the 1965 Standardizing of Conflicting Laws, in many states and cities by requiring governments to provide just compensation upon the required removal of legally erected billboards on the interstate and Federal Aid primary highways, that these requirements were -- were reaffirmed. Then it goes into the fact that the U.S. Conference of Mayors - which is cities - stated -- and they urged the Department of Transportation to coordinate administration of the Highway Beautification Program, encouraged local removal of the illegal signs, affirmed local governments' rights to enact controls, but more restrictive than federal requirements, and to explore relocation agreements from signs where appropriate, and to assist local governments in making compensation for billboard removal an



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appropriate element in local decisions. So the mayors and the cities have been on board with this. Why our local mayors or local Municipal League is not, I don't understand, except they are getting more rigid than some of the pillars in this building, and I think we need -- this legislation to be enacted.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Madam President. Question of the sponsor, please. Senator...

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR DUDYCZ:

Senator Berman, currently, as current law stands, what recourse do the billboard companies have if a municipality decides to remove that billboard?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Berman.

SENATOR BERMAN:

Well, every municipality controls billboards through the use of their zoning. So that what you have is that a billboard that has been erected would be just like an old building; they change the zoning laws. It means that the previous prior existing structures remain. They can't be improved. They can't be expanded upon and -- but in the future, they are controlled by zoning laws from the date of passage forward.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dudycz.

SENATOR DUDYCZ:

Well, according to the -- some information I received, that it's not a bad idea. I mean -- this bill does two things and try to make it simple for those of us who are not into the Municipal

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Code that much as the rest of us. It clarifies that the constitutional just compensation guarantees apply to lawfully erected billboards as they do to other forms of property, and all other billboards that may be erected in the middle of the night or weekends can be removed for any reason. And second of all, it imposes a statutory limitations on the construction of new billboards. That means they -- they -- they can set the size and the height of these billboards. Is that correct?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Berman.

SENATOR BERMAN:

Yes, sir.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dudycz.

SENATOR DUDYCZ:

Well, I don't see anything wrong with it, and I think we should support it.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Rigney.

SENATOR RIGNEY:

Question of the sponsor. In other states, what has been the experience as you try to determine this so-called just compensation? What gets cranked into the formula?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Berman.

SENATOR BERMAN:

The measure of just compensation, in many cases, is a multiple -- is market value, and market value in the sale and purchase of billboards is many times a multiple of the annual income of that parcel. So if you're talking about a thousand dollars a year hypothetically for a billboard, the value of that billboard might be three thousand, thirty-five hundred dollars. Three, three and

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a half times the annual rental is a fair market price used in determining billboard values.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Butler, for a second time.

SENATOR BUTLER:

Thank you. I apologize for rising the second time. Question of the sponsor.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR BUTLER:

Senator, is it your contention - and perhaps there's even legislative intent in this - that the local communities can dictate the size and the location and the height, et cetera, et cetera, of any billboard within their municipality?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Berman.

SENATOR BERMAN:

This bill doesn't touch that. This bill, in fact, limits the size of -- of billboards. That's the second part of it; it imposes limitations on the construction of new billboards. It also doesn't affect the rights of local municipalities. This is not a preemptive bill as to zoning changes. And it only deals with legally established, legally constructed billboards - not illegal billboards.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Butler.

SENATOR BUTLER:

Well, a further question. I'm -- I'm a little confused and perhaps the only person in this Chamber who is. You're talking about legally -- legal -- legally conforming billboards. Are you saying legally conforming to this standard, or legally conforming to the local municipal standard?

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PRESIDING OFFICER: (SENATOR COLLINS)

Senator Berman.

SENATOR BERMAN:

This bill applies to the question of just compensation for the purchase or condemnation or taking of billboards. It does not touch use of billboards, except it restricts the size of billboards. I'm -- I don't know if that's an answer to your question. Maybe I don't understand what your question is.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Berman, to close.

SENATOR BERMAN:

Thank you, Madam President. I think from the questions that it's relevant to point out this: the U.S. Conference of Mayors supports this concept. The U.S. Supreme Court this week supports this concept. And the reason I'm sponsoring this bill, Ladies and Gentlemen, is that it provides the same type of statutory protection that is afforded to every one of us, regarding our property and an improper taking of that property. Every legitimate business is entitled to the same constitutional protections. I solicit an Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall the Senate adopt the First Conference Committee Report to House Bill 4049. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 Ayes, 11 Nays, 2 voting Present. And the Senate does adopt the First Conference Committee Report to House Bill 4049, and this bill, having received the required constitutional majority, is declared passed. House Bill -- doesn't want to call. Top of page 22, House Bill 4078. Senator Severns. Mr. Secretary.

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END OF TAPE

TAPE 3

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 4078.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Severns.

SENATOR SEVERNS:

Thank you -- thank you, Madam President, Members of the Senate. I have been advised that there might be some difficulties, as it relates to federal funding, with language in this bill. And because of that, I'd like to have a No vote and send this to a Second Conference Committee. See if we can get this issue resolved.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate <sic> (House) Bill 4078 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, there are 4 Ayes, 51 Nays, none voting Present. And the Senate fails to adopt the First Conference Committee Report to House Bill 4070 <sic> (4078), and the sponsor is requesting that a Second Conference be reported. And the Secretary shall so inform the House. House Bill 4163. Senator Marovitz. Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 4163.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Madam President and Members of the Senate. This is an important matter. Since this legislation was

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first introduced to provide the medical community with guidance on what is or what is not a self-referral, we have received the input of literally dozens of organizations and individuals throughout the State. This legislation addresses a growing concern throughout the country that health care workers who own a financial interest in health care facilities may - and I stress the word "may" - be overreferring their patients to those facilities, potentially resulting in overutilization of services, increasing health care costs, and creating the appearance of a conflict. This legislation is not - is not - aimed at those health care workers that actually provide their patients with care. It is not aimed at the doctor that has laboratory or diagnostic equipment in his office or that of his groups. It is aimed at those doctors that refer patients to health care facilities in which they have a financial interest, and only a financial interest. This bill sets out to ban such self-referrals by identifying those circumstances where such a referral is inappropriate, and identifying when it's inappropriate. This bill is the product of many, many, many meetings with all interested parties to address the issue of self-referrals and what meets the needs of the medical community, the patient community, and the general public. The results of these meetings and discussions recognize the needs to accommodate rural communities and instances of demonstrated need, ownership of shares of stock in publicly traded companies - like perhaps a pharmacist owning shares in Abbott - HMOs whose inherent incentive, like this bill's, is proper utilization and controlling health care costs, and doctor-owned hospitals. This bill empowers the Health Facilities Planning Board to develop rules to address implementation and conditions for additional circumstances for exemptions to the Act. We have worked with the Illinois State Medical Society, and I applaud their efforts and their efforts of their lobbyists, who

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have put in innumerable hours to make this a bill palatable to everyone. Also, the Hospital Association and many, many other groups throughout the State of Illinois who have worked to bring everybody together and reach consensus on this legislation. It passed the House without a single negative vote, and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz has moved the adoption of the First Conference Committee Report to House Bill 4163. Discussion?  
Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR DAVIDSON:

Just so it's clear, my understanding is a private individual practitioner who has X-Ray or other diagnostic equipment within his office - that practitioner is exempt in this bill. Is that correct?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

That is absolutely correct, Senator Davidson.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Davidson.

SENATOR DAVIDSON:

The other point, which may be only here, but I think there's two doctor-owned hospitals in the State. One's here, and one, I think, is up in Suburban Chicago area. Are they exempt in this bill?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

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SENATOR MAROVITZ:

Yes, they are, Senator Davidson. They were doctor-owned hospitals and they have been exempted.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Brookins.

SENATOR BROOKINS:

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

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR BROOKINS:

Thank you. Senator Marovitz, it's my understanding that the reference of goods has been taken out of this bill, thus such items as eyeglasses would not fall under this Act. Is that correct?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

You are correct, Senator Brookins. There is no reference to goods. It was only meant to apply to services. You are correct.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Brookins.

SENATOR BROOKINS:

Further, it is my understanding that the proponents do not intend to include the service such as -- goods such as eyeglasses repair, refitting, grinding, so forth and so on.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

That is correct, Senator Brookins.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator del Valle.



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SENATOR DEL VALLE:

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

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR DEL VALLE:

Senator Marovitz, I have a hospital, St. Elizabeth, in my district. It is a hospital like others, serving nearly seventy percent Medicare and Medicaid patients in a federally designated Health Manpower Shortage Area. It is not a wealthy hospital, and cannot afford to go through the expense of lengthy certificate of need proceedings in order to obtain approval of a joint venture with its doctors for needed hospital replacement equipment. My question is, does this legislation, aside from the stated ninety-day limit for department decisions, carry with it a mandate for the department to establish special application procedures that are simplified and are put on a faster track for physicians participating in such physician-hospital joint ventures, particularly where they involve equipment purchases below the current department CON thresholds?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

Yes, Senator del Valle. The bill requires - and it's our intent - to have the department establish a streamlined - and I emphasize that - streamlined fast-track decision process for the types of transaction that you describe. The department should not require more than thirty days for such applications - that's our hope - and we do not intend with this bill to limit access by our needy hospitals to financing of hospital replacement equipment, which is so important to their patients.

PRESIDING OFFICER: (SENATOR COLLINS)

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

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SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR GEO-KARIS:

Is there any provision in your Conference Report for doctors who tell their patients that they have an interest, let's say in a radiology unit, and make it very clear to them? Is there any provision for those who do that? I mean, as long as they've told their patients, "Look, I have an interest in X Laboratory, and if you'd like to have your X-rays done there, I just want you to know that I do have an interest in there." Is there any provision for that in your -- as an exemption in your bill?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

No, that is not the purpose of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President -- Madam President and Ladies and Gentlemen of the Senate, I -- I think it's not fair to doctors who are open and aboveboard and reveal the connection with any laboratory to their patients, and are very open about it. I don't think it's fair to restrict them. I understand under the bill they'd be restricted. In three years, they'd have to stop their laboratories. I wonder if that's fair.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Watson.

SENATOR WATSON:

Thank you, Madam President. A question of the sponsor, please.

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PRESIDING OFFICER: (SENATOR COLLINS)

Indicates he will yield.

SENATOR WATSON:

Senator, I heard you mention pharmacists and Abbott Laboratory stock. What is the impact that this has on pharmacists? Is this just solely pharmacists, or is this pharmacists who own drugstores? Can this be a hospital pharmacist? What's the impact that this has on a pharmacist?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

It is my opinion that it would have no effect on pharmacists whatsoever. Pharmaceuticals -- all pharmaceuticals are considered goods, and they are exempted from the Act. They are not -- this Act does not apply to goods at all.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Watson.

SENATOR WATSON:

Well, your reference to a pharmacist owning Abbott Laboratory stock - what was that about then?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

That was just an example of something that wouldn't apply. That's -- that was the point.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz, to -- Senator Watson.

SENATOR WATSON:

Well, I may have a conflict of interest on this issue, and I'm probably going to vote Present. Thank you.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz, to close.

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SENATOR MAROVITZ:

Bless you. This is a very important issue, and we have worked with the Medical Society, who is totally on board and supportive of this legislation, and the Hospital Association, all interested parties. I think this is a good example of everybody coming together for the better good of the public, and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall the Senate adopt the First House -- Committee Report to House Bill 4163. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 2 Nays, 4 voting Present. And the Senate does adopt the First Conference Committee Report to House Bill 4163, and this bill, having received the required constitutional majority, is declared passed. House Bill -- Senate Bill -- 221. Senator -- Oh, Senator Kelly. Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 221.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Kelly.

SENATOR KELLY:

Thank you, Madam President. I would move to concur in Conference Committee Report No. 1 on Senate Bill 221. This bill I've discussed with Senator Fawell, refers to various city and township -- this is being used as a vehicle for numerous agreed bills. The first concept which was taken out of the bill originally was the coterminous language, which, because of court action, is not needed. What's contained in this bill are agreements. Among those are: (1) Extends the sunset date for the Illinois Council of Forestry Development from December of '93 to December of '98. (2) Provides that property tax revenue collected

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from <sic> (for) cemetery maintenance may be used for cemeteries controlled, managed and owned. (3) The annual financial report and inventory a township highway commissioner must make to the board of town trustees the Wednesday immediately preceding the annual meeting -- town meeting shall be made within thirty days. (4) Streamlines the process under which township property may be sold or leased, by adopting a resolution by the electors at the regular or special town meeting. (5) It permits a voter to participate in a primary of a statewide political party and then participate in a township caucus of a local political party. (6) Commission county boards shall have the same meeting requirements as counties having the same -- having the township form of government. (7) The Crystal Lake Civic Center Authority shall consist of the municipal boundaries of the City of Crystal Lake, rather than School District 47. (8) Permits a public building commission to rent a certain facility to any State agency or political subdivision of any state or any municipal corporation with which is entered into an intergovernmental agreement. (9) Permits the DuPage Forest Preserve District to contract the production of electricity from methane generated by a landfill to a private corporation. (10) Codifies Park District Code language concerning backdoor referendum. (11) Requires assessor districts with a population greater than fifteen thousand to appoint a qualified assessor. Requires districts to contract with a qualified assessor to fill that vacancy. (12) Permits, in limited circumstances, certain municipalities in Cook County to purchase, lease, et cetera, senior citizen housing. (13) Authorizes township and road districts to sell real estate and personal property with a certified MAI appraisal or general certified appraisal. And lastly, it amends the Local Government Tax Collection Act to provide longer distribution intervals when the county treasurer's required distribution to a unit of local

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government are less than five dollars. I move for the adoption of Conference Committee Report No. 1. Be glad to answer any questions you might have.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Cullerton <sic> (Kelly) has moved the adoption of the Conference Committee Report to Senate Bill 221. Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. Senator Kelly is to be commended. He has worked long and hard on this. There is agreement on this side, and I would suggest all vote Aye.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, Senator Kelly, to close. Kelly.  
SENATOR KELLY:

Appreciate your support.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall the Senate adopt the First Conference Committee Report to Senate Bill 221. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present, and the Senate does adopt the First Conference Committee Report to Senate Bill 221. And this bill, having received the required constitutional majority, is declared passed. House Bill -- I mean, Senate Bill 250. I'm sorry. I'm sorry. House Bill 911. Senator Mahar. Madam Secretary. That's Senate Bill. I'm sorry. 911.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 911.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President and Members. This bill will be of

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interest to those Members who represent Champaign, Bloomington, Oakbrook Terrace, Bradley, Effingham, Quincy, Carbondale, Richmond and Peru. And what it does is extend from March 15th of '92 to November 30th of '92 the date before which the four-sevenths of all monies paid into the Horse Racing Tax Allocation Fund are deposited with the municipality or park district hosting an off-track betting parlor. Without this amendment, the four-sevenths would go automatically to the Chicago Park District, and I would move the adoption of the First Conference Committee Report on Senate Bill 911.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Mahar has moved the adoption of the First Conference Committee Report of Senate Bill 911. Discussion? If not, those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 4 Nays, none voting Present. And the Senate does adopt the First Conference Committee Report to Senate Bill 911. And this bill, having received the required constitutional majority, is declared passed. Senate Bill 969. Senator Demuzio. Senator Demuzio? Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 969.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I believe this Conference Committee Report includes language that we debated once before for Senator Welch which, in fact, added the Dwight, Seneca, Ottawa, LaSalle-Peru consolidation during 1980 for the incentives, apparently, with the -- due to the consolidation, I suspect. It also did a few other things that are noncontroversial.

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PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of the Conference Committee Report on Senate Bill 969. Discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I just point out for the Members that this does not take any money this year. It puts these four districts in line to receive money. The reason they weren't in line is that the Legislature passed a bill encouraging consolidation. It passed by July 1st, but the Governor didn't sign it until September 7th of 1990. In between that period of time, these four schools went through consolidation. I've talked to Senator Maitland. Senator Maitland is in agreement and supports the legislation, and I would urge an Aye vote.

PRESIDENT ROCK:

Discussion? Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDENT ROCK:

Indicates he will yield.

SENATOR SCHUNEMAN:

Senator, what -- could you name these schools, please?

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Yes. LaSalle-Peru High School, Ottawa Township High School, Seneca and Dwight.

PRESIDENT ROCK:

Senator Schuneman.

SENATOR SCHUNEMAN:

Does that bring the reimbursement up to a certain date in the past? I've got a school in my district I know that is in the same



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situation, where they consolidated and can't get the State money.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

What we're doing is just changing the date. If you consolidated after a certain date, then you're in a pool -- then you're in the pool to get funds from the State. Right now there aren't enough funds in the State to pay all the schools. I'm not sure what situation you're in, Senator.

SENATOR SCHUNEMAN:

Yeah. Thank you.

PRESIDENT ROCK:

Further discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 969. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 3 Nays, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 969, and the bill, having received the required constitutional majority, is declared passed. Top of page 23. 1567. Madam Secretary, please.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1567.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President and Members of the Senate. This Conference Committee Report calls for the Senate to concur with House Amendments No. 1 and 2, and adds new language that requires that any person or business acquiring a new or used vehicle to send proper documentation to the Secretary of State within twenty days; now it's fifteen days. It reduces the penalty for this

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violation from a misdemeanor to a petty offense. This is a request of the new car business -- I'm sorry. The extending the reporting time for the new car business was a negotiation between the New and Used Car Dealers' Association and the Secretary of State. Secretary of State does, as well, support the other two provisions of the bill which require the -- which was House Amendment No. 1, requiring 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 that the clerk can notify the Secretary of State that the offense was committed while the person was in control of a motor vehicle. The second House amendment, which passed unanimously in the House, creates the Special Veterans' License Plate Fund. This is agreed to by the Secretary of State, as well as the veterans' organizations. There had been some controversy with regard to the -- a misunderstanding, I believe, with regard to the provisions of the "Land of Lincoln" being removed from license plates. That would occur only in those cases where the veterans have these plates and we at the same time retain all the veterans' license plates that are there now. But hopefully this will have the effect of not having to have any more special veterans' license plates. So, I would be happy to answer any questions, and urge an Aye vote.

PRESIDENT ROCK:

Discussion? Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. Just to point out to the Body that this is a request on this amendment by the veterans. They're willing to pay for it. And not speaking necessarily for the veterans, but it's something that they're desirous of, they're willing to pay for. I urge an Aye vote.

PRESIDENT ROCK:

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Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I have been informed that Secretary Ryan has a task force on license plates, and the reporting back date is December 1 of this year. It would seem to me - and I'm for this; you know I'm for this; I've voted for it every time - maybe we ought to wait for that task force to come back to us and make a reasonable recommendation.

PRESIDENT ROCK:

Further discussion? All right. Take it out of the record. 1667. Senator Leverenz. Madam Secretary, please.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1667.

PRESIDENT ROCK:

Senator Leverenz.

SENATOR LEVERENZ:

Thank you, Mr. President and Members of the Senate. I wish to concur with the House Amendment No. 1 and Amendment No. 3. This is the one I've talked to the people on a Conference Committee Report that eliminates the Personnel Revolving Fund for CMS. And it would deal with the back wages for State employees. Ask for your Aye vote.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of the Conference Committee Report on Senate Bill 1667. Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1667. 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 56 Ayes, no Nays, none voting Present. The Senate does adopt the

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Conference Committee Report on Senate Bill 1667, and the bill, having received the required constitutional majority, is declared passed. Senator Jones, on 1769. Madam Secretary, please.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1769.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President, Members of the Senate. I move the Senate adopt the First Conference Committee Report on Senate Bill 1769. Some of the provisions in the bill is that in the Liquor Control Act, a retail licensee are required to maintain the original invoices or copies thereof covering purchase of liquor or -- on a licensed premise for a period of ninety days, except when the Liquor Commissioner grant a waiver in such cases. Also there is clarifying language in the Illinois Food, Drug and Cosmetic Act, and in that Act it'd create the Food and Drug Safety Fund for all subscription fees collected by the Department of Public Health. There is language -- clean-up language in the Barber, Cosmetology, Esthetics, and Nail Technology Act as relate to the grandfathering under legislation that is now law for nail technology. There is language in here as relate to the Dental Practice Act which passed this Body as it relate to an approved exam being given in the -- in the region. Also, clean-up language for the Occupational Therapist Act, and there's clarifying definitions and additional language in the Illinois Pharmacy Practice Act, the Illinois Podiatric Medical Practice Act, Clinical Psychologist Act, and clean-up language as recommended by the Department in the Illinois Family and Therapist Act, as well as the Department of Professional Regulation Administrative Code procedures, and also an amendment to the Illinois State Finance Act which creates the Food, Drug and Safety Fund. These are many

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provisions contained within the Conference Committee Report, and I ask for a favorable vote.

PRESIDENT ROCK:

Gentleman has moved the adoption of the Conference Committee Report on Senate Bill 1769. Discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Senator Jones, I -- I have a question regarding the Private Detective Act. Could you please expound on what you were stating earlier? I'm sorry, I missed it.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

I didn't hear. I'm sorry. I didn't hear you.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCZ:

Yes, Senator Jones, could you please expand what you were saying on the Private Detective Act? I did not catch your explanation.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Under that Act, it opens a window for an individual who had the qualifications but he meets certain requirements as it relates to statutory times within the Act. So what this does is open the window for that individual.

PRESIDENT ROCK:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDENT ROCK:

Indicates he'll yield.

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SENATOR DAVIDSON:

Senator Jones, does this try and take care of some one individual on -- the Podiatrist -- Podiatry Medical Practice Act is amended to delete the requirement that a person successfully completing an exam has only one year to apply for the licensure, and you're deleting that?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

No -- no, it doesn't. This is a recommendation came from the Podiatrists' Association, as well as the Department. Just a technical cleanup in the Act.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

That may be true, but -- I'm sorry if my handler used the wrong word, but it says you're deleting that requirement that they must apply for the license within one year of -- of completing the exam. And I thought that was kind of standard in all our professional licensure. After you passed the exam, you had one year to get the license. Is that true or not true?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

This is for everyone contained -- that applies within this Act. This is a recommendation come from the Illinois Podiatrists' Association and with the agreement from the Department. So therefore, it doesn't open a window for any one individual. This is for all applicants.

PRESIDENT ROCK:

Further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Palmer.

SENATOR PALMER:

Senator Jones, is there any opposition to the particulars in the Pharmacy Practice Act?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Not that I know of. Not that I know of.

PRESIDENT ROCK:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question?

PRESIDENT ROCK:

Indicates he will yield, Senator Fawell.

SENATOR FAWELL:

I have some people in my district that -- that order their drugs through the AARP, the Association of -- whatever it is -- for Aged Retired something or other. Will this require that organization to register as a pharmacy?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Not to my knowledge. I -- maybe Senator Watson could better answer that question, because in discussion -- maybe he could answer that question for you. This was an addition put in the Conference Committee Report, and when we met on it there was no opposition. The Pharmacists' Association was in favor of it. But that question I'm not certain of, and may I -- perhaps I'll yield to my colleague on that.

PRESIDENT ROCK:

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Further discussion? Further discussion? Senator Jones, you wish to close?

SENATOR JONES:

I just ask for a favorable vote on the provisions within this bill. Most of them are -- all of them are agreed to by those who are affected, and a Yes vote on this Conference Committee Report.

PRESIDENT ROCK:

Question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1769. 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 45 Ayes, 6 Nays, 3 voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1769, and the bill, having received the required constitutional majority, is declared passed. 1939. Senator Demuzio. Madam Secretary, please.

SENATOR DEMUZIO:

First Conference Committee Report on Senate Bill 1939.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill, as it was here in the Senate, created the Audit Expense Fund within the Treasury, and it would provide for the transfer of costs to the -- by the Comptroller for audits that were conducted by the Auditor General. It would have saved 2.7 million dollars in GRF funds. It passed unanimously, went to the House. The House then added an amendment by which it included the transfer of non-State Treasury funds and also income funds, which apparently there were a lot of objections to. And so basically what the Conference Committee Report attempts to do is to take that language out that was added by the House, and basically puts



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it in the same general form as it was when it left the Senate.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1939. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1939, and the bill, having received the required constitutional majority, is declared passed. 1988. Senator Berman. Madam Secretary, please.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 1988.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1988 contains a number of items recommended by the State Board and added in the Conference Committee in response to House action. I move that we accept the First Conference Committee Report. The bill deals with a number of items. Let me touch upon them. It adds greater flexibility for short-term borrowing by local school districts. It addresses the consolidation of three districts up in Highland Park as to their operability. Provides for locations regarding the boys' basketball and girls' basketball tournament finals. Deals with the combined school district regarding the approval of the voters and new district employees. Provides for staff development and flex hours in the Chicago school system, and makes technical changes in the provisions regarding the formation of a combined school district. I solicit your Aye vote.

PRESIDENT ROCK:

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Discussion? Any discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1988. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 1 Nay, none voting Present. The Senate does accept the Conference Committee Report on Senate Bill 1988, and the bill, having received the required constitutional majority, is declared passed. 2233. Senator Berman. Madam Secretary, please.

SECRETARY HAWKER:

First Conference Committee Report on Senate Bill 2233.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Senate Bill 2233 amends the Code of Civil Procedure, has a number of items dealing with civil procedure in the court system. I will move for adoption of Conference Committee Report No. 1. It touches upon child support collections, the quick-take procedures for Lake and DuPage Counties for a limit of two years, constructive service and forcible evictions, non-wage garnishment provisions, and dismissal for improper venue in the U.S. District Court. Be glad to respond to any questions, and I solicit your Aye vote.

PRESIDENT ROCK:

The Gentleman has moved the adoption of the Conference Committee Report on Senate Bill 2233. Discussion? Senator Barkhausen. Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, you will note that Senate Bill 2233 has a number of provisions in it, as Senator Berman said. It deals mostly with the Code of Civil Procedure and mostly with items that came or might have come through the Judiciary

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Committee. I would note to the Members on our side of the aisle that even though there are several things in it, as Senator Berman mentioned, it involves, among other things, quick-take powers from -- for Lake and DuPage Counties for storm and water management districts, that I, as a spokesman for the committee and as a -- one of the Senators from Lake County, was not consulted. That Section of the bill deals generally with quick-take condemnation powers which, as all of us know, is, in general, a sensitive subject. We are, in a couple of respects, significantly extending quick-take powers, and these provisions -- some of you may have been approached by representatives of the Illinois Association of Realtors. Those provisions are opposed by the Realtors and those provisions are also -- I have not heard from them on this occasion, but quick-take powers in general, as you know, are opposed by the Illinois Farm Bureau. So I would particularly direct your attention to those provisions. In addition, on page 5, it's been pointed out to me that the language dealing with child support enforcement is of great concern to the Department of Public Aid, in that it arguably places in jeopardy the receipt by Illinois of federal funds for child support enforcement, for they feel that these provisions violate the uniform -- the unified federal regulations regarding child support enforcement. Finally, as I -- as I had begun to mention, the bill is not signed by any of the Republican conferees in the Senate or the House. It does require a three-fifths vote. There's plenty of time to come up with another and more acceptable version, and I would urge all of you, for the reasons that I mentioned, to vote this Conference Committee down.

PRESIDENT ROCK:

Further discussion? Senator Watson.

SENATOR WATSON:

Well, thank you, Mr. President. One of the quick-take

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provisions that's in here is Amendment No. 4 and, it's for Southwestern Illinois Development Authority, which we passed legislation -- authorization legislation - I think it was three years ago, and we gave them quick-take powers at that time for the Jefferson Memorial expansion that's taking place in the East St. Louis, St. Clair-Madison County, Southwestern Illinois area, which is something that's -- that's needed. And what we're asking for here is an extension of that quick-take for another two years. I guess it's actually three years, which will end September of 1992. The problem that we have is also another project that's going on in the Southwestern Illinois area, is the light rail system that we're trying to develop, and we're working with our Congress delegation from that area and we're also working with the City of St. Louis and other -- others to develop the light rail project over into Illinois. And the quick-take provision is important also for that project. So I just wanted to explain why we're asking that in this -- this particular legislation in Amendment No. 4, in case there is some concern. And I understand what Senator Barkhausen is talking about, but this is important for us and just wanted to explain that. Thank you.

PRESIDENT ROCK:

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senator Watson's absolutely correct. This is very -- if we don't get this now, that with the improvement and running the light rail from -- from Lambert Airport all the way and it's going to continue into Scott Air Base, where we have joint use, and we're working on it. This is a big project going on, and we need that extension. So I'd ask for a most favorable vote for this.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Berman, you

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wish to close?

SENATOR BERMAN:

Thank you, Mr. President. I thought that I might be able to get the attention of our Minority Leader who's over at the press box, because the quick-take procedures that Senator Barkhausen questioned regarding Lake and DuPage County was put in here at Senator "Pate" Philip's request. It is limited to flood control purposes and has a two-year life. So it is certainly not excessive or something that would be a terrible imposition on property owners in Lake and DuPage County. Also, I would point out that the second concern of Senator Barkhausen is the provision that allows the Clerk of the Circuit Court of Cook County, along with the State's Attorney of Cook County - bipartisan in -- in form - to establish a Child Support Enforcement Program. We have seen and approved that measure in other bills here that have been hung up in the process, but we have talked many times about the need for improved child support enforcement. And this is a very important part of this, and it does not - I underline "does not" - jeopardize any federal programs, and the attorneys representing the Clerk of the Circuit Court of Cook County have -- have confirmed that. The other areas you've heard about, regarding the Southwest -- Southwestern Illinois needs. The other areas have been worked out with the Legislative Support Service and the other areas of expediting the process that we are involved in, in the court system. I solicit your Aye vote.

PRESIDENT ROCK:

Discussion? Question is, shall the Senate adopt the Conference Committee Report on Senate Bill 2233. 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? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 37 Ayes, 19 Nays, 1 voting

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Present. The Senate does adopt the Conference Committee Report on Senate Bill 2233. And the bill, having received the required constitutional majority, is declared passed. All right. Ladies and Gentlemen, we will shortly be moving to the Order of Motions for the purpose of -- I'm sorry. Senator Barkhausen.

SENATOR BARKHAUSEN:

I did have my light and my speak button on. I was rising to request a verification of the affirmative vote.

PRESIDENT ROCK:

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

SECRETARY HAWKER:

The following Members voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, Cullerton, Dart, Davidson, del Valle, Demuzio, Di Turi, Dudycz, Ralph Dunn, Tom Dunn, Etheredge, Fawell, Hall, -- pardon me, Hawkinson, Jacobs, Jones, J.J. Joyce, Lechowicz, Luft, Maitland, Marovitz, Munizzi, O'Daniel, Philip, Schaffer, Schuneman, Severns, Smith, Vadalabene, Watson, Weaver, Welch and Mr. President.

PRESIDENT ROCK:

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

SENATOR BARKHAUSEN:

Senator Brookins.

PRESIDENT ROCK:

Senator Brookins - in his seat.

SENATOR BARKHAUSEN:

Senator Carroll.

PRESIDENT ROCK:

Senator Carroll on the Floor? He is on the Floor. He was in the phone booth, Senator Barkhausen.

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SENATOR BARKHAUSEN:

Senator Smith.

PRESIDENT ROCK:

Senator Smith is in her chair.

SENATOR BARKHAUSEN:

That's all.

PRESIDENT ROCK:

All right. The roll has been verified. On that question, there are 37 Ayes, 19 Nays, 1 voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 2233. And the bill, having received the required constitutional majority, is declared passed. All right. Ladies and Gentlemen, a little earlier apparently two bills were skipped over, and then immediately after those two bills we will go to the Order of Motions, to consider Senate Bills <sic> 954, which is the appropriation for the constitutional officers, which is on the Order of Concurrence, and then we will go to a motion for House Bill 2703, which is the budget bill. So if I could direct your attention to page 20. There are two bills yet -- or two Conference Committee Reports yet remaining on the Calendar. House Bill 3266 and House Bill 3315. Senator Marovitz seeks leave to go back to those. Without objection, leave is granted. On the Order of Conference Committee Reports, Madam Secretary, there's a Report with respect to House Bill 3266.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3266.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President and Members of the Senate. House Bill 3266, Conference Committee Report, clarifies the definition of "abused child." It represents agreed legislation, and to my

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knowledge has no opposition. The objection of the Champaign County State's Attorney's Office concerning the injurious environment language has been removed. Proponents of the legislation include the Legal Assistance Foundation, DCFS and Voices for Illinois Children. This legislation defines "abandoned child" as one whose parent has demonstrated an intent to permanently forgo all parental rights or responsibilities, or a minor under the age of two whose parents have demonstrated a lack of interest in developing or maintaining a parental relationship with the minor. It expands the category of potential child abusers to include any person with custody of the minor at the time of the incident at issue. It includes as a neglected child any minor whose health is or could reasonably be likely to be damaged due to a parent's unreasonable failure to protect the child. And I know of no opposition. I solicit your Aye vote.

PRESIDENT ROCK:

Okay. Discussion? Any discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 3266. 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 56 <sic> (57) Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 3266. And the bill, having received the required constitutional majority, is declared passed. 3315. Madam Secretary, please.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3315.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank -- thank you very much, Mr. President and Members of the



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Senate. House Bill 3315 permits a court-appointed special advocate to act in the best interests of the child. It allows a judge to consider relevant testimony offered by a CASA - that's a court-appointed special advocate. Provides that all cases of the CASA shall be -- oh, excuse me, all costs shall be borne by the not-for-profit CASA organization and not the county. Provides that the court may dismiss the CASA and the guardian ad litem when either fails to act in the minor's best interest. And in the opt-out and opt-in provision, I want to clarify: it provides that the provisions of this Section shall not apply in counties in which there is no CASA program currently operating, unless - and only unless - the county board opts in by resolution. And it provides that the provisions of this Section shall apply in counties in which CASA programs currently operate, unless the county board, by resolution, opts out. Solicit your Aye vote. Know of no opposition.

PRESIDENT ROCK:

All right. The Gentleman's moved the adoption of the Conference Committee Report on Senate <sic> (House) Bill 3315. Discussion? If not, all -- the question is, shall the Senate adopt the Conference Committee Report on House Bill 3315. 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? All voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee Report on House Bill 3315. And the bill, having received the required constitutional majority, is declared passed. Resolutions.

SECRETARY HAWKER:

Senate Resolution 1485 offered by Senator Topinka.  
It is congratulatory.

And Senate Resolution 1486 offered by Senator Philip.

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It is a death resolution.

PRESIDENT ROCK:

Consent Calendar.

SECRETARY HAWKER:

And Senate Joint Resolution 184 offered by Senators Berman, Demuzio, Woodyard and Madigan.

It is substantive.

PRESIDENT ROCK:

All right. With leave of the Body, we'll ask that that be placed on the Order of Secretary's Desk. It will show up on the next Supplemental Calendar, Senator Berman. All right. Ladies and Gentlemen, we have two or three awaiting matters yet awaiting our attention, obviously. If I can direct your attention to Supplemental Calendar No. 1. There's a Motion in Writing. Bottom of page 9 on the Calendar. The motion -- Supplemental Calendar No. 1, Madam Secretary. Relates to a bill on page 9 on the Calendar. There is a Motion in Writing with respect to that bill, please.

SECRETARY HAWKER:

I move to suspend Senate Rule 5C to waive the deadline for 3rd Reading and final passage of House Bills with regard to House Bill 2703.

Filed by Senator Carroll.

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I would move that we do suspend Rule 5C to waive the deadline for 3rd Reading and passage of House Bill 2703, which would be the State budget, and would ask that we have a roll call, please.

PRESIDENT ROCK:

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You've heard the motion. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and it is so ordered. There's a similar motion with respect to Senate Bill 954, which also can be found on the Calendar on the Order of Concurrence, at page 19. Madam Secretary.

SECRETARY HAWKER:

I move to suspend Senate Rule 5C to exempt Senate Bill 954 from the Committee on Rules, so that the bill may be considered by the Senate.

Filed by Senator Carroll.

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You've heard the motion. This deals with the constitutional officers of this State, and I would ask for a favorable vote.

PRESIDENT ROCK:

You've heard the motion as placed by Senator Carroll. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and it is so ordered. All right. Ladies and Gentlemen, then, if I can direct your attention to page 9 on the Calendar. On the Order of House Bills 3rd Reading is House Bill 2703. Senator Carroll 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 2703, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Carroll.

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. I guess this is merely a -- a merely amendment. It merely amends all of the State budget onto this Act. It is all of the operations of all of the agencies, departments, boards and commissions of State Government, except for those that are Constitutional Officers. It is basically at a restoration level - from the House bill that came over - of approximately two hundred and ten million dollars. It has been -- I think every Member of this Chamber understands the component parts of it, based on the discussions each side of the aisle has had with their own Members. It's basically, by eliminating many of the perks and privileges, living within our means. It is based on a revenue stream that we know is available, after discussion between the four Leaders and the Chief Executive, that we believe can fund State Government. It'll basically put operations of State Government at approximately thirteen billion two hundred million -- two hundred ten million dollars. About one hundred and sixty million dollars under the introduced level. I would move its adoption and answer any questions.

PRESIDENT ROCK:

All right. Senator Carroll has moved the adoption of Amendment No. 2 to House Bill 2703. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. And with leave of the Body, Senator Carroll requests that we get back to that bill. All right. If I can direct your attention, Ladies and Gentlemen, to page 19 on the Calendar. Page 19. On the Order of Secretary's Desk, Concurrence, there resides Senate Bill 954. On the Order of

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Secretary's Desk, Non-concurrence <sic>, Senate Bill 954, Madam Secretary, please.

SECRETARY HAWKER:

House Amendments 1 and 5 to Senate Bill 954.

PRESIDENT ROCK:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move that we do concur in House Amendments No. 1 and 5 to Senate Bill 954, and that would be final action. This now would contain the budgets of the Office of the Comptroller, the Supreme and Appellate Courts, the State Treasurer, the Attorney General, the Lieutenant Governor and the Secretary of State. The Office of the Governor had been contained in Senate Bill 953, and is now contained in the other bill that we had just previously amended. Again, these are at the levels that the House had sent them over to us, which is basically the levels of request of each of these constitutional officers. And I would urge passage of Senate Bill -- I'm sorry, concurrence in House Amendments 1 and 5 to Senate Bill 954.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall the Senate concur in House Amendments 1 and 5 to Senate Bill 954. 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 55 Ayes, no Nays, none voting Present. The Senate does concur in House Amendments 1 and 5 to Senate Bill 954, and the bill, having received the required constitutional majority, is declared passed. All right. Ladies and Gentlemen, if I can again turn your attention to page 9 on the Calendar. Page 9. By the way, WICS, WCIA, WAND have all requested permission to

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videotape. Without objection, leave is granted. On the Order of House Bills 3rd Reading. On the Order of House Bills 3rd Reading, Madam Secretary, is House Bill 2703. Read the bill, please.

SECRETARY HAWKER:

House Bill 2703.

(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. This would be final passage on the State budget. Let me identify again, it is in General Revenue funds approximately thirteen billion two hundred and ten million. The difference between us and the House, as I said, being the two hundred and ten million, will be paid for by refinancing various State bonds which will save us about twelve million dollars; taking from the Build Illinois reserve not only the thirty million dollars that the Governor had suggested, but an additional twenty-five million we know to be there; by the monies that will be saved as a result of Senate Bill 1547 of Senator Davidson's, some seven million dollars; by using a revenue estimate that the Governor had basically discussed about ten days ago and somewhere between the Bureau and Economic and Fiscal of some ninety million dollars; by making non-General Revenue Fund savings that we did in the operations of those agencies that happen to be funded other than by General Revenue, and transferring ten million of that into General Revenue; by taking Senator Welch's bill on AFDC out-of-state usages and saving six million dollars; by taking surplus from the Lottery Prize Fund account over and above that which is used for the special games at the end of the year, so we can still produce the additional thirty million for education in

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Illinois - there's an additional surplus of some twenty million we can use - and by spreading out the payment to the locals of what was the local's share of the surcharge of some -- taking forty million of that two hundred and thirty-seven million and putting it into the first six months of the next fiscal year - most of them will still get it within their normal fiscal year - and will come out of the Local Government Distributive Fund, and applying those to areas that the -- we felt the House, in its action to produce a balanced budget, had to go too far than they or us wanted them to go. I will not bother to read the list. Again, I think everybody has been aware of those. I believe that as a result of this action, we will have met not all of the needs of the State, but clearly the most critical. We will, in fact, be providing for an effective Mental Health system, an effective system for Children and Family Services, an effective system for Rehabilitation Services and Corrections, and for care for our aging, as well as schools and all else that we have to do as a State. I would urge passage of House Bill 2703. It is, in fact, a balanced budget within our available revenues, and the best that we can do under these very, very, very tight economic times. I would urge passage and be willing to answer questions, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Collins.

SENATOR COLLINS:

...(machine cutoff)...Mr. President and Members of the Senate. It's unfortunate that we are here one day past the deadline with a budget that is purported to be balanced and probably one of the most critical budgets and the most difficult budgets to craft that we've had to do in the State of this -- history of this State. The sponsor said that this is a balanced budget, and that we have done everything that we could do to respond to the critical needs

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of the people. And I say that is not true. Maybe this budget gives balance, but still there is a lot in this budget that many of us have not seen, who have honestly worked in good faith to make sure that we do what the sponsor said that this budget is supposed to do. The other real problem is that we got this budget just a minute ago. All of this. All of this. We don't know what's in this budget, and no one in this room - no one in this room - except probably Howie Carroll, and maybe Penny Severns, and the President, and maybe the Majority Leader over there -- Minority Leader -- knows what's in this budget. Now for us to sit here and vote to pass this out because we want to go home, because some people say, "Well, we got to go home, because if we don't go home and we stay here one day over the Session or two day over the Session, we're not going to get elected." Well, I say to the people of the State of Illinois, if anybody vote on this budget who has been charged with the responsibility of coming here and representing the needs of the people of this State, without knowing what's in it. You don't know what's in this. And I guarantee you and I submit to you, there is, in fact, still pet projects and waste in this budget. Most certainly there are things in this budget that does not take priority over issues to sustain life to people in this State. There's still pet projects in this budget. And I say we ought to defeat it, and we ought to go back, and we ought to craft a budget and take out all of the B.S. and -- do our job here. We don't have to go home today, and I think the citizens of Illinois would prefer us doing that. They don't want us to sit here. No. We shouldn't sit here day after day after day, doing nothing. But no one or two people ought to make the decisions around here about what all of us were equally - equally; equal representation is what this government is all about - was elected to do. The needs of my people have not been addressed. And for any of you to think - any of you to think -



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that a program as productive and as pro-active as the Earnfare Program did not warrant -- did not take priorities over some of the garbage that's in this budget, there's something seriously wrong with you. And I submit to you that, no, I haven't had a chance to go through it, because it just got on my desk and I was also jocked around this morning about some amendments going on. Well, the amendments was brought on when the motion -- when the motions were being considered on the Floor. And that's not right. One person - one person - should not be allowed that much power in any - in any - representative body. It is unfair for us to pass this budget, when we have cut major human services and we've played the same political games that we've played over and over and over again. And I submit to you that this budget ought not to pass. We ought to stay here and do our jobs right.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Here's the lineup so far. Keats, Cullerton, Schaffer, Madigan, del Valle. Senator Keats.

SENATOR KEATS:

I'll be mercifully somewhat brief, but Senator Collins has hit a point. The train's moving. The bill's probably going to pass. I suppose that's true. But when the sponsor announced this -- this budget is balanced, is there anyone in this room so naive that you really think this is a balanced budget? Let me just give you a few examples. Employee health care - we're allocating thirty million, instead of the fifty-five million increase. Is there anyone in this room so naive that they really think that those health claims are not going to come in and they're not going to be owed? To simply not put them in the budget, pretend that we don't have that expense is, perhaps, unrealistic. Our retirement systems - does anyone think we've really funded the State retirement systems? How about our revenue estimates? Throughout the nineteen-eighties we made a great practice of our

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State budget of inflating revenue estimates, underestimating expenses. Well, this is the nineties. We're supposed to try and change. Well, you know what? What are we doing? Inflating the revenue estimates and underestimating expenditures. This process is just like what they do in Congress. It's called a continuing resolution, because their leadership is so inept, they are incapable of passing a budget. Have we sunk so low in the Illinois Legislature that we can't even pass a normal budget? That we can't even put the bills up, vote on them and amend it? Have we sunk so low that they can hand us this -- this has been on my desk - I looked at my watch - it's been about six minutes now. They can hand us that and say, "Gee, isn't this great?" Has this legislative Body sunk so low that we consider that the way government should run? We all know it's a fraud. We all know the budget isn't balanced. We all know - we all know - that this whole system is saying that the Membership should not be included. You know, I've been here sixteen years, and I can remember when those who were interested in the budget participated. Now I admit, people such as myself - the budget is a lesser item, because my district is a payer; we're not a receiver. So I don't argue that I should sit at the table, because frankly, I'm just paying for it. My district doesn't get anything. But the point being, we have now reached a point where the Members of the Senate are now excluded from the budget process. If you think this is acceptable - and some may - it's okay. Turn in your paycheck, turn in your per diem checks, go home and quit calling yourself Senator. Just refer to yourself as Mr. or Miss or Mrs. Such-and-Such, because you're not a Senator if you accept this process. What you really have to ask yourself, if it's a politically expedient act - and I think we all know the reason this joke budget is here; it's just a politically expedient act - is, are our constituents so naive that they don't accept the fact

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that good government is good politics? If you really think politics is more important than good government - think that's the only way to get elected - you're entitled to your opinion. God bless you; good luck. But the point I'm making is, if you're voting for this budget, you are saying - with the exception of a couple of people - you don't think you ought to participate in the budget process; you don't really care about the -- intricacies of it; you think it's appropriate that we act just like Congress, pass a continuing resolution and make a farce of the process, lie about our revenue estimates, lie about our expenditures, and pretend we've done the job. If you think that's okay, feel free to vote Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer. I'm sorry. I beg your pardon. Senator Cullerton, and then Senator Schaffer. Senator Cullerton.

SENATOR CULLERTON:

Yes, would the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

The sponsor indicates he will yield. Senator Cullerton.

SENATOR CULLERTON:

Senator Carroll, how much will the State spend in the next three months in the lapse spending period? How much is contemplated the lapse spending total will be in this budget for the next year?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Well, as you know, Senator Cullerton, technically lapse period spending isn't in the budget as a budget item, but it is our belief that the Fiscal '92 lapse that will be spent in the first three months of the new fiscal year will be about nine hundred and

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sixty million dollars. And it is our belief that at the end of '93, it's lapse period spending into the first three months of what would otherwise be Fiscal '94 will be down to about seven hundred and sixty million dollars. And it is my opinion that the nine-sixty is an historically high amount.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

To the bill: I think that the way in which we arrived at this budget this year has been very interesting. The House passed a draconian budget where they cut some -- almost four hundred million dollars off of the Governor's budget, and it came over here and the Republicans in the House, the Republicans in the Senate, the Democrats in the Senate, and the Governor recognized that it was way too low. We had to add back in, and that's what this budget does. This budget adds back in over two hundred million dollars. But what's interesting about that is that we have come to the conclusion that really we can't say that there's any more fat in this government, because we -- the House sent over a bill that supposedly cut out fat, and we said, "It's too low. We've got to add back in." The second point is that this lapse spending is not true lapse spending. I agree with Senator Keats. It's deficit spending. We owe, assuming that the lapse period spending is usually about three hundred million, we owe six hundred million dollars. So we owe six hundred million dollars, and we don't have any fat in the budget. Well, you know, the Governor said tighten your boot -- tighten your -- pull up your bootstraps, tighten your belt, do what all the other families do. Well, I think we've done that. When my family was in that situation, my father went out and got a second job. He brought more money in. We have to bring more money into the State, and we have to recognize it. We can't do it right now, and I -- we're not

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going to do it with a regressive liquor tax, and we're not going to do it by raising the local governments' property tax. We're going to have to do it by some other fashion. We're not going to do it today, but we ought to really consider doing it in November. And we're not going to do it unless the Governor provides the initiative. We have no choice but to vote for this. But in November, we're going to be back here with a big problem.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Now, Senator Schaffer.

SENATOR SCHAFFER:

I am not going to vote for this. I'm not going to vote for it for a number of reasons. I think the thing that distresses me most about this budget - more than any other budget that I've ever had an opportunity to vote on - this is a mean-spirited budget. This is not a rational priority-setting process that the people expect us to do. You know, we all have our election polls, and we all know the public wants government cut. I don't think any of us have read the cross tabs and really looked at those polls. The voters are saying to us, "Prioritize. Get rid of the low priority things; get rid of the waste; and manage government." This is not managing government. This is mean-spirited, political gamesmanship. That's what it is, and that's all you can call it. I've talked to a half a dozen directors and asked them how this budget affects their departments. You know what they've all said? "We don't know. We really don't know what's in it, in our department. We don't know. We haven't been consulted." I asked the Director of Revenue last night on the Floor of the Senate, "Do you have enough money here to pay for the cigarette stickers that you put on the packs of cigarettes that we collect Illinois taxes?" He said, "I don't know. Nobody's shown me the budget. I don't know what's in it." Anybody here who claims they know what's in this budget is a liar - a liar. For the next six

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months, it's going to be one thing after another, as we find out what's in this mean-spirited document. We have failed to do our job. It's that simple. But there's another reason that distresses me even more. When I first came down here as a freshman, I think I could honestly say that, even as a -- a wet-behind-the-ears freshman, I had a little bit of impact on this budget. How many people here claim they can have significant or real impact on this budget? That's how many, I thought. We have abdicated this budget. Initially - I've watched it over twenty years - when I got down here, the interested Members and the people on the Appropriations Committee really impacted. You killed to get on an Appropriation Committee. You went over to your Leader and you leaned on him and you begged to get on the Appropriations Committee. Now Pate has to talk people into serving on the Committee, because everybody here knows that service on that Committee is a meaningless waste of time, because you have no impact on the process. So the Members suddenly of the Committee don't have an impact. This year the leadership of the Committee had minimal, at best, impact. This concentration of power has made our role as individual Legislators virtually meaningless. Next year, Senator Carroll, I have some advice for you - make sure you become the Minority Leader or President of the Senate, because as Chairman or Minority Spokesman on the Committee, you aren't going to have any impact on the process. So if you want to be involved, you better advance. I'm not advocating that, by the way. I think this is wrong. I think -- and we all want to go home and we're all terrified about what'll happen in the fall - those of you that are on the ballot. I would suggest that we break the two Approp Committees into three or four subcommittees and get the directors in and -- I'm not saying we change the bottom line. I know the money's not there. By the way, those revenue estimates are so bogus they're laughable, and I

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don't think there's anybody in the media that's fooled by that rhetoric. But let's at least ask the directors, "How do you live within the dollars we've given you? How can we change it around to make it work?" You know, they have the two-percent transferability, but that's not going to do -- anybody much good with a department of two- or three-million-dollar budget. We are abdicating our responsibility. And by the way, what happened to hospital assessment? Yeah, what happened? There's a seven-hundred-and-thirty-million-dollar hole the last time I checked. It's not necessarily our fault, but it's still there. Are we ignoring that? I don't know. I know one thing - I'm not ending a twenty-year career voting for this mean-spirited document.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President and Members of the Senate. I rise in opposition to House Bill 2703. And I'm not going to repeat the eloquent statements and words of the previous speakers who have arisen to speak in opposition to this - merely to thank the individuals who presented this amendment and analysis to us in the last minute, because the more that it sits on my desk, the more it stinks. And I would sincerely and fervently request that this House Bill 2703 be rejected and sent back and worked on.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I also want to express my disappointment in this process. I agree with the previous speakers who have indicated that as legislators elected to this Body to represent different constituencies and to be a voice for those constituencies, our opportunities for direct participation

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in a process that impacts on every resident of the State of Illinois is limited. And I think that that needs to change. But I also want to express disappointment in the House actions that basically put us here into a damage control mode - a damage control mode that didn't allow us to really take the kinds of bold steps that are necessary in order to come up with a budget that is workable - one that really will be a responsible budget. When you're in a damage control mode, that means that, by the time it's all over, you look back and you see that it didn't matter what you did, some damage was done. In this case, I would say that if this budget is adopted, there'll be considerable damage done. But I do have a question for the sponsor, if he will yield.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield.

SENATOR DEL VALLE:

Senator Carroll, as you know that -- there are a number of areas in this budget that we've talked about, and I want to ask you about a couple of them. The Department of Rehab Services budget home services line is a line that we've been very concerned about, and as we know, we do save dollars in the long run by providing that service to those in need. What are we doing with that line, number one? And number two, is the Earnfare Program that many have agreed is a good idea funded in this budget?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I will comment on the other speakers when I close. Let me just say though, I think Senator del Valle hit on a point at least on our side of the aisle. While we did not like what we saw from the House, we have been having weekly meetings of all of the Members of the Appropriations Committee since the Governor



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introduced the budget in April, and having good input from not only Members of the Appropriation Committee, but anyone else who wished to show; so that we were able to at least craft items, at least in some priority, within the limited resources, to do the best we could under very terrible times, to create out of a bad budget something not quite as smelly as maybe Senator Madigan thinks it is. Not a good one, but something not quite as bad. And as a result of those discussions through the years - through this year - we recognized that the Rehab Services' budget was woefully lacking in taking care of people in need in homes. What we have done is basically three things. We have provided a million three hundred thousand to Home Services Program, sufficient to admit approximately twenty -- two hundred additional clients over and above the suggestions of the Governor. We also restored a million-four for the payments to those who are the personal attendants - personal assistants to people with disabilities - who are currently in the Home Services Program. These are the people who have keys to your home, come to the home, get you washed and dressed and up, so that you can try and go to work or try and go to school, and we are paying them what would now, if we don't pass this, less than the federal minimum wage. In addition, as suggested on the Republican side of the aisle, an additional 2.9 million in order to match and capture another fourteen and a half million dollars in federal funds for Rehab Services. I am personally very disappointed. I spoke to the Governor's Office for over an hour late last night when I was off the Floor, from 9:30 to 10:30, to try and get authority to fund Earnfare. I am personally very committed to that program. I understand, Senator Collins, in your and my displeasure, that it is, in fact, not in the budget. I think it is a mistake if we leave Springfield without funding a program that -- that we call Earnfare. It is a new pilot program that can create jobs for

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people by helping clean up our neighborhoods, putting them on public service work, and then giving them job skills to go get private jobs. In my opinion, the money is available in this budget to do that. We have not gotten authority from the Office of the Governor and others to put that money in the budget. I would hope that that would still happen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle. Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. There's been a lot of things said here which makes one think, and it is a difficult issue. As Senator Schaffer said, we've got some problems in the process. What else is new? It's been that way in all the time I've been here. This is a controlled process. This is not a free process that we're in. But this year I will say that we on the Democrat side of the aisle have probably had more of a give-and-take on the budget process than we've had in the short six years that I have been here. Senator Keats says, "Is there the amount in the Retirement? The amount in Insurance? Are they right? Is the Revenue estimate right? Is 13.4 billion right?" I don't know. Let's flip a coin. That's the -- that's the way budgeting is. Nobody can ever predict for sure where we're at. But lacking a tax increase, it's got to be a matter of priorities, as you say, Senator Keats, and it's got to be a compromise of those priorities, because we do not agree all the time with you on the other side of the aisle, and most certainly you don't agree with us all the time on this side of the aisle. But what makes any of us think that this process and the bottom line and the final picture is going to get any better than what it is now? When we talk about fooling ourselves, I think that's where we're fooling ourselves. You know, this process should have been over a month ago. We should not be talking about this at

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this time. We should have had a budget a month ago. We don't need this last-minute stuff, but that's why it's a controlled process. That's how we're controlled. We're one of the sheep being shepherded around. Earlean Collins is exactly right. The Workfare Program should be in this budget. It should be included in this budget. It is the best thing we've got going. It does a number of things. We didn't ask, in the State of Illinois, for this economic downturn that we've had this last year and the last two years. We're looking -- golly, think of this: With the BOB's numbers this year and last year, we're looking at a two-year State growth of 1.1 percent. 1.1 percent. That's atrocious. That's atrocious. So I think that what we're really saying here today, regardless of how you want to vote on this -- I think any delay, any further disruption to the State of Illinois, in addition to -- to not paying our money we owe and intention -- with being a bad credit risk, and all of these good things, we have got to send a message out there that whether it's right, whether our priorities are as well as we would like them to be, I think we're at the point to where we've got to move forward. I suggested a Committee of the Whole when we first started talking about the budget process. I would have liked to have seen this budget hammered out right in this room, with all of us present. That didn't happen. You know the old saying - wish in one hand and you can do whatever in the other hand. I just think that the longer we wait, the more involved -- the bigger problems that we're going to have, because I can't see anybody at this late date giving up something on that side of the aisle to ensure that we have Earnfare on this side of the aisle. And I don't see us giving up anything on this side of the aisle to give something to your side of the aisle. And whether we like that process, if that makes us politicians, then, damn it, that's what we are. And I think we've got a decision to make. That's what we're down here for, is to make decisions. There are

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no "maybe" buttons down here. If you look down, we don't have "maybes" anywhere on our buttons. We have Yes buttons. We have No -- buttons, and then we have the yellow way out, the Present button. I urge an Aye vote.

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? We have Senators Palmer, O'Daniel, Topinka and a number of others after that. But, Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. This has been a wrenching experience this year - perhaps more so than last year. The pain was palpable among people during the hearings that we have had over this budget. There is, frankly, much that I like in this budget. There are areas and line items for children and women that I worked very hard for. They make sense. But the one thing that disturbs me tremendously - over all other things that concern me about this budget - is that it has left out Earnfare, and I want us to understand what that means, just reviewing the process of this for just a second. Last year at this time, we were battling on this same Floor over the fact that the Governor wanted to reduce the time during which men and women on General Assistance could receive money. We stayed extra days because we tried to make it better for them, in the same way that we did to try to improve the situation for senior citizens receiving pharmaceutical circuit breakers. That was an agreement, as painful as it was, that over sixty thousand people would at least

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have some income and some realization of dignity for six months out of the year. What this budget does now - and we're not even really talking about it - is to remove more than sixty thousand people from the ranks of being human beings. It means there is no money in here for them - period. What Earnfare did was not to give them back just the hundred and fifty-four dollars a month that they were receiving; it actually gave them a way to be dignified human beings again, and to earn that money and to bridge -- make a bridge back into the path of being part of us again, so to speak. I am more than disappointed. I am very angry about this. I'm angry because there were solutions offered that could have provided this money, and no side - either side, I think - has worked hard on making this happen. I commend Senator Collins. She received support from all the major newspapers. It is a reasonable and responsible approach, and I am horrified that we are getting ready to turn sixty thousand people out with nothing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President, Members of the Senate. I reluctantly rise in support of this -- this bill, this budget. You know, when you don't have the resources, we have to try to do the best we can with -- with what we have. And until the economy in this nation and this State improves, we're going to be in difficult times. I think that Senator Carroll and Senator Hall and President Rock and all of them have afforded the Members of the Appropriation Committee, and also the Leadership, an opportunity for the last month or so to -- to take a look at these -- these budget recommendations and all. And I think for anyone to say that they haven't had an opportunity to review what's going on hasn't been attending these meetings that -- that Senator Carroll and Senator Hall and them have afforded us the opportunity

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to -- to attend. If I'd have had my rathers, we would have borrowed some short-term money. You know, we didn't get into this financial situation in a year, and we can't get out of it in a year. And I -- I think you can only cut so much and still let government operate. And I think we should have borrowed some short-term money and -- and tried to maybe not cut quite so deep. But I think they've -- they've took a hard look at it, and this is the best we have, and they've cut every department and tried to be as fair as they can. And I think at this time the only responsible thing to do is -- is to pass this thing and try to live with it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I wasn't going to say anything, but I have to include in the records today persons who are not able to sit in the Chambers. But their heart, minds and souls are here, because we are making a decision here today. And I go along with my colleagues who was talking about Workfare, because it was some of those same people who helped me to win my election - homeless people that lived in shelters. And I shall never forget them. And they're people of dignity. Smart, well-educated, but they were caught between the tracks. But I want to think right now and speak on behalf - so it's in the records - about mothers and fathers who have children who are dependent upon our developmental disability institutions. Some of them are being closed. Some of them, their budgets have been cut. And I received this morning a letter from a mother. Just an excerpt, and it says that, "I'm not able to appease my severely mentally retarded child by substituting another pleasure to make up for a disappointment. The only gift of love I can offer my daughter is the wonderful professional care she receives by the very professional staff of where she is residing. And now

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a bill is to be proposed to create a serious catastrophe that will definitely endanger the care so badly needed by the less fortunate." Families of special children have had an enormous cross to bear. Are we comfortable here today? There's a lot in this budget that can be changed around. They're all God's children. They're all made in His image. And just because they are disformed, and they're not as fortunate as you today, does not mean that they're not supposed to be considered. So I'm hoping and praying that in this budget, or the next budget - whatever you do - that you will think in terms of people out there who want to do better, but they can't do better, because they are not physically able to move like you and I am. But they're all God's children. I just want to put it in the records that there's a world out there. Can't you listen to them? Can't you hear them sighing? Can't you hear them crying? It's left up to us, the legislators, who have been sent down here to represent our people - not we, ourselves, but our people. Thank you and God bless you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, none of us want to hurt anyone in this Senate, but the facts remain - we can't spend money we don't have. Hopefully, there'll be an upturn in the economy. Hopefully, we can keep jobs in Illinois, bring more jobs to Illinois with intelligent legislation here. And hopefully, we can get more money to care for the needs that we have to take care of, and there's nothing to stop us from having a supplemental later on - a supplemental appropriation, if we need it. And I do feel that at the present time we are limited. We can't spend money we don't have, and it's no sense beating a dead horse to the ground. And I support the budget, even regretfully.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Further...further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. This certainly is a budget that none of us are very proud of, but it is a work task that I think we can be proud of. I know that on our side of the aisle we worked as a group, week after week, in trying to find out how we might balance a budget with revenues that just were not there. Time and time again we instructed Marcia Thompson and our great staff to go back to the drawing board and try again to give us some optional figures, and every time they did that for us. It was a fantastic effort on everyone's part. And, Senator Schaffer, as an example of when we tried to include a department in the process, namely DCFS, they came back with some very mean-spirited cuts. They suggested consolidating and closing regional offices, less case management to special needs children, eliminating the Parents-Too-Soon Program, eliminating day care provider training, eliminating GRF for day care recruitment and referral, and cutting youth services and day care to the tune of ten million dollars. That's what I call being mean-spirited. And it was through the action of our group's meeting with those departments, and trying to come up with a more humane program, that we have been able to salvage some very important things in this program. It is not a budget of which any of us are proud. It is a budget we have to live with until the end of the Republican recession in Washington, and additional revenues that will be available to us here in Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Early in the month of April, the Governor of this State offered his budget to a Joint Session of the General Assembly, and in that



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budget was the spending that the Governor felt this State ought to deal with for this fiscal year. Those were his priorities, and we looked at them and we digested them. In that same Message, he also offered to us additional revenue sources that would fund that budget. Those were his priorities, and we discussed them. We discussed them in the House, and we discussed them in the Senate. And it became very clear early on - early on - that there were few, if any, votes for the additional revenue that he was suggesting. So that being the case, it became apparent to most of us that we had to make adjustments in the spending side of that budget. Just as I do in my business, I have to live within the available revenue. There are some things in this budget that you don't like, and I would suggest to you that there are some things in this budget that you should like. I'm concerned about some areas, but let me suggest to you, Ladies and Gentlemen of the Senate - and I heard group -- group health mentioned - we are thirty million dollars over what that bill had in it when it came to this Chamber. So we have addressed a portion of that. We have put forty million dollars back in Corrections to address those very critical needs, to open those prisons that are important to each and every one of us in this Body, and also to sustain - to sustain - the guards and staff at the existing prisons. That's what we've done. Let me mention to you an area that's not even been mentioned this morning. Education's in this bill. Remember education? Do you remember that? Elementary and secondary will leave this Chamber with thirty million dollars more than it had last year. Enough? Course not. Course not. But these are not normal times. Higher education, held harmless. They're at just about last year's level. Didn't take any of the cuts that any other agencies took. That's very positive. This budget addresses the very critical needs of State Government. And it will sustain us through this -- through this year. I am confident of that.

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Let me -- let me pay tribute to -- to this side of the rotunda - our leader on this side, Pate Philip, and our very capable staff; Senator Rock, President of the Senate, and his very capable staff - because we do things differently in this Body. We work together as a team. Partisan when we need to be, but more often than not, statesmen. And that's what you saw exhibited this week. Tell me that the appropriation process doesn't work. Tell me that people don't want to serve on the Appropriations Committee. What better opportunity does a Member have to learn State Government than to sit on the Appropriations Committee and be interested and participate? The fact of the matter is, it's not a sexy place to be. You sit there and deal with numbers. And for those who don't care about numbers, it is boring. The system worked a little bit differently this year because of the problem on the other side of the rotunda. And those two leaders that I have mentioned to you and our staff, and Senator Etheredge and I, and Senator Carroll and Senator Hall, participated in the final drafting of this document, and we have before us a document that will sustain State Government for the next year. I rise in strong support of House Bill 2703.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. We have two additional speakers. Senator Collins, for a second time.

SENATOR COLLINS:

I apologize for rising a second time, and I'm going to be very brief, and I'm just going to use one example of Senator Schaffer's "mean spirit." Maybe you all don't really understand. I just have to conclude that you -- you're not mean-spirited. You're a bunch of loving people and compassionate, but you don't understand. Let me try to break it down to you. You talked about new money. Forty-one -- four hundred -- I mean, forty-one new dollars - million dollars went to prisons. Now I want you to

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think about that. Now some of the people over here are going to vote for this budget simply because those prisons provide employment - employment - for them because - guess what? - it houses, for twenty to twenty-five thousand dollars per person a year, the very same people that we are asking for a hundred and fifty-four dollars a month for them to work for. Think about that. And guess what? This summer - this summer - once you turn loose eighty-five thousand people who you have reduced to being animals, you're going to have to fill those prisons with those people, because the basic instinct of any of us - of any human being - is to survive. And what you've done here, you've made a decision and you prioritized and taken forty-one new -- billion dollars -- million dollars to put in prisons, when you could have taken at least ten to thirty million dollars from this existing budget and allowed some of those people a hundred and fifty-four dollars a month that I guarantee you - mark my word - you will have to lock up and put in your prisons, to give the Downstate people some jobs - these same people that we're fighting for. That is not mean-spirited. That's plain, rotten either stupid, or plain low-down. And that's what the citizens of this State of Illinois have to understand about what is going here. Now you can either understand that, or you can go on and play these games. And there are other -- lot of other things in this budget the same way. This is not our money. One of the speakers says that you give it and we give it. We do not own the taxpayers' dollars. We are caretakers of the taxpayers' dollars, and it is not our choice here to make those kind of decisions where we would put opening prisons to house and to spend taxpayers' dollars to the tune of twenty to twenty-five thousand dollars a year, rather than to put somebody to work. That's crazy.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

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SENATOR ROCK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I rise in strong support of House Bill 2703, which will set the State spending authority for this coming fiscal year at thirteen billion two-hundred and ten million dollars' worth of General Revenue - that amount of General Revenue, I might add, that it has been determined that we have available. I congratulate the staff for absolutely yeoman work, working literally night and day for the past couple of days, attempting to implement decisions that were made, and decisions, I suggest very strongly, were shared decisions. I heard last July 18th some of the same rhetoric, some of the same pious outrage, some of the same questions about the process, some of the same accusations that the Members are somehow excluded from this process, that we have no input. And I will say today what I said then - baloney. There are two sides to a budget: one is the revenue side, and one is the spending authority side. Are you going to stand here and try to tell me that the Members in this Chamber and in the other Chamber did not make some decisions on the revenue side? All you have to do is look at the Calendar and find Senate Bill 1951 and Senate Bill 2156 sitting on the Order of Senate Bills 2nd Reading. You don't think that's a decision? I think that was a pretty momentous decision. And when the Speaker of the House called for the revenue enhancements, you all remember that roll call. We were all here and we were all listening, with a half an ear. One of the measures got no votes - zero - and one got two votes, out of the hundred-plus that are supposed to be available. So the Members made the decision on the revenue side. And not long after that, the four of us met with Governor Edgar, and we told him - or attempted to tell him, I might say - and Senator Philip and I pointed out the fact that in this Chamber, in our judgment - our political and governmental judgment - there simply was not enough

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Membership who were ready to approve a tax increase of any kind, and we were going to proceed without it. And so, where the Governor introduced at thirteen billion three-fifty, all of a sudden three-fifty was not available. And we had also determined, politically and governmentally, we were not going to get us - us, the Assembly; us, the institution - into the same box we found ourselves in last year, where we got blindsided and we were forced to do some things that we really didn't want to do with this budget. And we said, "No, let's strike a realistic number right now, and let's see how we can fashion this budget, but fashion this budget in a way that makes some sense to our Members, in response to our Members." So then the House made its decision. It's an equal Chamber. And it sent us a bill at the thirteen-billion-dollar level, cutting three hundred and seventy-three million dollars out of a State budget. And virtually everyone was outraged - my goodness, how can they do this? - because we started to hear from all the pressure points: the constituency groups, the advocacy groups, all those people that we serve and serve so honorably and well, and we all readily admit we can never give enough to, or never entitle them enough. In twenty years that I have been down here, I have never been visited - never been visited - by an advocacy group, or a social service group, or a representative of a school district or a representative of the teachers' union who said to me, "Thank you very much for what you do for us. Please don't give us any more. We have enough." And when that day comes, I want any of you who experience that to please call me, wherever I am - at Wrigley Field, or the race track, or wherever I am - because I want a picture of that and I want to congratulate the person that says it. It's not going to happen, and you and I know it's not going to happen. And so, I suppose it's easy to stand up here - and I, for one, could certainly do it as well as Senator Philip can do it

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- and walk you right through the thirteen billion dollars and point out where we are not doing enough. And I dare say you can sit with the budget of the Congress of the United States and do the same thing. But that's what we're elected to do - to make those judgments, to make those decisions. And our Senate Committee met and made what I thought were a number of terrific decisions. Unfortunately, all the decisions are sitting on the -- on the Senate Calendar. On Senate 3rd Reading and on House 2nd Reading are all those bold-type bills. That's the budget. But at least we had the committee action. Senator Schaffer, no input? You've got five major bills on that Calendar that I am quite certain - even within your humble way - you made an impact on. Because we got to the point again where the bewitching hour, June 30, was quickly approaching. We were, in our judgment - the -- the political and governmental judgment of Senator Philip and I - getting nowhere with that other Chamber, and getting nowhere, I might add, with the Second Floor, and so we made a decision. Senator Philip had a piece of paper and I had a piece of paper with what we thought ought to be put back in. And I dare say, where do you think we got this? You think we made it up? What's reflected on the -- on our lists that we then jointly walked down to the Second Floor and said, "Here, this is what we will do; this is what we, the Senate, will stand for." Where do you think I got this? Adult day care restoration. Dental -- adult dental restoration. Restoration in Mental Health. A restoration in DCFS. A restoration in State Police. Six and a half million dollars for Project Chance, which was not even in the original submission. It was put in as a result of a Senate amendment. And I dare say, without fear of contradiction, that literally everything on this list of importance came out of Senate committee action. I mean, who in the world do you think Senator Philip was responding to when he made up his list? I can tell you who I was

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responding to. I was responding to the wishes of my Members, as I knew them. Now my Members wished for a heck of a lot more than is on this list, as I'm sure you did. And all I can tell you is, we did the best we could under the -- some very difficult circumstances, because one of the things that happened is those geniuses on the Second Floor then told their agency people - both the directors and the liaisons - "Don't talk to those Democrats. Leave them alone. Don't tell them what impact this stuff is going to have. They might get some ideas on how to change it. We don't want that to happen. We'll just kind of go along." Well, we weren't going along. And I have heard and subscribed to and supported -- I was one of thirty who voted for Earnfare on a verified roll call. Earnfare has not yet met with the approval of the Chief Executive, I hope everybody in this room understands. And about ten days ago, I met with Senator Collins and her group of well-intended citizens who helped put this thing together, and I said to them, "Have you visited the Second Floor? Because if, indeed, we are getting all this help as we claim we are getting from the Office of the Governor, he ought to be able to at least - at least - to assign a number, tell me how much. What are you prepared to commit?" And Senator Philip and I went down, shoulder to shoulder, and one of the things we brought up was Earnfare, and I said, "How much are you prepared to commit? Let me put that down on my list." I'll let the Governor speak for himself, but the fact is it's on nobody's list at this moment, and that's unfortunate. But it's not subject to approval yet. And so I was not prepared, on the basis of what I knew Senate committee action to be, to say, "Oh yes, we'll commit thirty-five million or fifty million to this new program, and I'll take it out of..." What'll I take it out of? Where do I find it? Not easy to find. "And if you can find thirty-five million dollars," I said to the Governor, "just drop the available ending balance." Easy. Won't do it.

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Okay. He's the Executive; he doesn't have to do it. Ladies and Gentlemen, just for a moment, please. It's July 1st. We have a spending plan for the State of Illinois in front of us that calls for the expenditure of thirteen billion two hundred and ten million dollars. I suggest to you, it is truly always easy to say that we don't do enough. Why don't we take a look at the good that this budget will do? As Senator DeAngelis said yesterday on another subject, this isn't a good budget, but it's the best one we have and it will do a vast amount of good. And for that reason, I ask your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 2703 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 42, the Nays are 16, 1 voting Present. The Senate -- let's see -- the House -- House Bill 2703, having received the required constitutional majority, is declared passed. Senator Rock. Rock. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Ladies and Gentlemen, as much as we would like, we have to recognize the fact that this is not a unicameral legislature. Could I ask you please to just kind of stay put until I can get some affirmative response - or we can get some affirmative response - from the House. We literally have one more bill of major significance kind of floating and that is the bond authorization increase. I know a number of the Members on the Floor are interested in some of those bond authorization increases which have also been agreed to. It's just a matter of moving the paper. So I would suggest we just kind of stand at ease and we'll aim at coming back here at about 2:30, just to see where we are. Thank you.



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PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. 2:30.

(AT EASE)

(SENATE RECONVENES)

PRESIDENT ROCK:

All right. Ladies and Gentlemen, all of you who are attending conference committees in the building and are within the sound of my voice, we will begin at Supplementals No. 2 and 3. And that's Senators Berman and Carroll, Senator Demuzio, Senator Madigan, Senator DeAngelis and Senator Maitland. 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 adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 152 -- pardon me. House Joint Resolution 158.

It is congratulatory.

PRESIDENT ROCK:

Consent Calendar.

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 adopt the First Conference Committee Report on House Bill 4070, and requests a Second Committee of Conference to consider the differences between

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the two Houses in regards to Amendment No. 2.

PRESIDENT ROCK:

All right. Senator Vadalabene will move that the Senate again accede to the request of the House for a formation of a conference committee. 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. Resolutions.

SECRETARY HAWKER:

Senate Resolution 1487 offered by Senator Brookins and all Members.

It is a death resolution.

PRESIDENT ROCK:

Consent Calendar. All right. Ladies and Gentlemen, we will begin on Supplemental Calendar No. 2, and then we will move immediately to Supplemental Calendar No. 3. And the Secretary reliably informs me that 4 and 5 are in the works. As you can well imagine, the printer is a little backed up. I might advise those of you who have not heard, the House has not yet dealt with the budget, so we are kind of standing at the ready. Senator Luft, for what purpose do you arise, sir?

SENATOR LUFT:

Thank you, Mr. President. This afternoon, Mayor Daley called Governor Edgar and once again informed the Governor that the Metropolitan Airport Authority had to be passed before the Legislature adjourned this summer. The Mayor also made it clear that it was not his intention to string out the Legislature until fall. Unfortunately, since that phone call, the -- Mayor Daley, Senator Rock, nor I have been informed that -- additional Republican Senators had been added to that roll call. Only three free-thinking, courageous Republicans have chosen to support a reported two-hundred-thousand-plus jobs, a sixteen-billion-dollar infusion into the State's economy, and shared control of O'Hare,

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Midway and Lake Calumet Airports. Therefore, Mr. President, I will not call for the Senate's consideration of Conference Committee Report No. 1 on House Bill 3898, and I reluctantly submit to those people who choose to squander the opportunity to ensure an economic resurgence for the entire State. My thanks to Mayor Daley and his staff for all their efforts, and to all those who participated as positive reinforcers of the most massive job bill in the history of this State. Thank you.

PRESIDENT ROCK:

Supplemental Calendar No. 2. Senator Berman. On the Order of Secretary's Desk, Resolutions, is Senate Joint Resolution 184, Madam Secretary.

SECRETARY HAWKER:

Senate Joint Resolution 184.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Joint Resolution 184 has been submitted by -- pursuant to bipartisan sponsorship, in conformity with the Illinois Statutes that relate to Constitutional -- proposed Constitutional Amendments. As we are all aware, in November there will be on the ballot the Education Amendment to the Illinois Constitution. Under our Illinois Statutes, it is provided - and I will quote - that the General Assembly, in submitting an amendment to the Constitution to the electors, shall prepare a brief explanation of such amendment, a brief argument in favor of the same, a brief argument and the form in which such amendment will appear, and a brief argument against such amendment. That is what Senate Joint Resolution 184 is. It sets out the amendment in three different forms - the old, the legislative form, and the new. It sets out the arguments by the -- prepared by the

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proponents. It sets out the arguments set out by the opponents, and the form which will be submitted to the electors on the November 3 ballot. I will be glad to respond to any questions, and I solicit your vote in support of Senate Joint Resolution 184.

PRESIDENT ROCK:

Senator Berman has moved the adoption of Senate Joint Resolution 184. Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I am reading this Resolution 184, and I note that your one headline on page 3 says, "THE EDUCATION AMENDMENT WILL NOT INCREASE YOUR STATE TAXES." However, it's not set forth that the Education Amendment will very possibly increase the income taxes. That has not been set forth in this resolution. And we all know that the -- there's going to be an increase in taxes. So I don't think that's a correct statement. Simply -- if you're doing it semantically in saying it won't increase your State taxes, that's true. You meant once -- perhaps, which State tax are we talking about? But are we talking about income tax? That in itself is a State tax. We have to pay income tax in the State of Illinois. So I do not feel that statement is correct on page 3. I think the paragraph on page 3 which starts "THE EDUCATION AMENDMENT WILL NOT INCREASE YOUR STATE TAXES," which is right on the top there - line 5 - and your line 1 on page 2 -- rather, line 28 on page 2 -- the title on line 27, "IT IS TIME FOR THE PEOPLE TO SPEAK." It says - line 28 - that "The Education Amendment empowers the people to speak for education and against local property taxes." There's nothing - nothing at all - indicative -- if the passage -- if this amendment is passed, that the local property taxes won't be increased, and there's nothing at all stating in here that, certainly, the income taxes will have to be increased to meet the burden of the tax money involved. And I say that this is fallacious, and I speak

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against the adoption of this particular amendment on this basis.

PRESIDENT ROCK:

Question is the adoption of the -- Senate Joint Resolution 184. Further discussion? Senator Karpziel.

SENATOR KARPIEL:

Well, thank you, Mr. President. I rise in opposition to this resolution, not so much because of the content - because I hope you all understand these are the arguments for and against the amendment that will be printed in the little blue book that the Secretary of State puts out - but by -- I rise in opposition because of the way this was passed and the way this committee was handled. I think if - our side of the aisle - if you will read your analysis on this resolution, it pretty much tells the way it is. There was a committee. I served on that committee. We spent many hours working on the language - both pro and con - and we had quite a few meetings. We were told by the chairman of that committee, at the very beginning, that we would each write our own -- our own document - our "for" arguments or our "against" arguments - and that's the way they would go into the brochure -- the booklet. We were told that, when we suggested - "we" being the opponents of this amendment - suggested that maybe we sit down and go at it point by point - your point for and then our response to that - we were told, No. Each do our own; however we want to do it. And that's it. And then when we presented those to the committee, they would not be changed. That isn't what happened. What happened is, "you show me yours and I'll show you mine" kind of a thing. Well, when we showed ours, they took theirs back and went down line by line and changed theirs in -- in reaction to ours. If you will look at the pros and the cons, you will see that every point pro - every point for the amendment - is the exact opposite of every point against, on the amendment. And ours was written first. Theirs was an entirely different document.

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This committee was a hoax. It broke up because we could not come to any kind of an agreement, because we felt we had been underhanded. We had been betrayed. And for that reason, and many more - constitutional reasons, by the way - I would ask for a No vote. But before that, I would like to - for legislative intent, so to speak - ask the sponsor some questions. Has the Joint Committee established by Senate Joint Resolution 157 been convened, as required by that resolution?

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Yes.

PRESIDENT ROCK:

Senator Karpiel.

SENATOR KARPIEL:

Did -- did the committee - the entire committee - report to the Senate and House by June 25th, as required by Senate Joint Resolution 157?

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

The reporting date was extended by action of the Senate to June 30th. So the answer to your question is No.

PRESIDENT ROCK:

Senator Karpiel.

SENATOR KARPIEL:

Well, I would also suggest it is No because the entire -- the committee did not make a report. Did the minority members of the committee vote to adopt the arguments against the amendment included in the report being submitted here?

PRESIDENT ROCK:

Senator Berman.

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SENATOR BERMAN:

Could you restate that, please?

PRESIDENT ROCK:

Senator Karpziel.

SENATOR KARPIEL:

Did the minority members of the committee vote to adopt the arguments against the amendment that is included in the report being submitted here?

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

I -- my recollection is that they did not vote, but what is incorporated here is their final draft recommendations.

PRESIDENT ROCK:

Senator Karpziel.

SENATOR KARPIEL:

Have the Joint Committee taken a formal vote to adopt the report being presented here?

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

I think it's important to recognize Senate Joint Resolution 184 is not the report of the committee. The committee did not reach closure, and did not have a report to make to the General Assembly.

PRESIDENT ROCK:

Senator Karpziel.

SENATOR KARPIEL:

Then whose report is this?

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

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This is a Senate joint resolution sponsored by Senators Demuzio, Woodyard, Madigan and Berman, and it is in compliance with the requirements of the Illinois Statute. It is the four sponsors' Senate joint resolution, in conformity with Statutes; and if we receive the appropriate votes, it will be the Senate's; and if it is approved by the appropriate vote in the House, it will be the General Assembly's.

PRESIDENT ROCK:

Senator Karpiel.

SENATOR KARPIEL:

Who drafted this resolution? Was it drafted jointly with Senators Woodyard, Madigan, Demuzio?

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

No. Staff drafted it, pursuant to their observation of what took place in the committee and the submissions of all of the members in the committee, both pro and con.

PRESIDENT ROCK:

Senator Karpiel.

SENATOR KARPIEL:

Whose staff?

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Majority staff.

PRESIDENT ROCK:

Senator Karpiel.

SENATOR KARPIEL:

Well, to the resolution, again: I just want to ask for a No vote. Let -- few hours ago, many of us voted No on the budget proposal, and we did so more because of the process being used,



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than because of the content. At least in my case, that was my reason for voting No. I ask you to again join in fairness, and defeat this resolution, that again trampled over the rights of the minorities, that broke their word that was -- that was made about policy and procedure that we were going to use in the committee, and send this back so that the minority representatives can have some input. I ask for a No vote. Besides which...(mike cutoff)...

PRESIDENT ROCK:

Senator Karpziel.

SENATOR KARPIEL:

I do have concerns that this - and it's very possible - that this report may violate Section 2 of the Illinois Constitutional Amendment Act, and I think it's inappropriate that we should vote on it at this time.

PRESIDENT ROCK:

Further discussion? Senator Butler.

SENATOR BUTLER:

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

PRESIDENT ROCK:

Senator Berman indicates he will yield, Senator Butler.

SENATOR BUTLER:

Senator, what further efforts will be taken beyond this to fill out -- or flesh out the information which we -- which will be passed on to the taxpayers?

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Well, pursuant to the Statute, the -- the narrow response to your question is that this document, if approved by both Houses, goes to the Secretary of State, he incorporates it into what we call the Blue Book, it's mailed out to every voter in the State of

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Illinois. Now that's a narrow response. The more -- the broader response is that, as has already taken place, and between now and November 3rd, there is going to be debate, editorial comment, letters, full-blown discussion - pro and con - on the Constitutional Amendment between now and November 3rd.

PRESIDENT ROCK:

Senator Butler.

SENATOR BUTLER:

Well, Senator, I'm a little disappointed in this. I thought there would be a little bit more than this. Because this really doesn't tell the taxpayers very much. I voted for the original amendment, and -- but if -- unless all of the things you say are done, I'm -- frankly, I'm going to work like blazes against this, because this kind of information is just too empty to suit my feeling that the taxpayers deserve a very full explanation.

PRESIDENT ROCK:

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

A parliamentary inquiry, Mr. President.

PRESIDENT ROCK:

Yes, sir.

SENATOR DUDYCZ:

How many votes are needed to pass this Senate joint resolution?

PRESIDENT ROCK:

My understanding is this is an ordinary resolution; it will be then sent to the House; it will require a majority of those voting. Although in this case, I suppose, with the expenditure of money, it would require thirty votes. Senator Fawell. Further discussion?

SENATOR FAWELL:

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

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PRESIDENT ROCK:

When the sponsor is -- Senator Berman.

SENATOR FAWELL:

Senator Berman, I note you've got "THE EDUCATION AMENDMENT WILL NOT INCREASE YOUR STATE TAXES." Are you guaranteeing that there will be no increase in State taxes with that? Is that your intention?

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Senator Fawell, if you'll look at lines 5 through 12 on page 3, it says, "THE EDUCATION AMENDMENT WILL NOT INCREASE YOUR STATE TAXES. Read the amendment. There is not one word about taxes. Constitutional amendments do not increase taxes. Only the opponents see any mention of taxes, and they represent special interests who like the way you pay for schools now." Now if you'll look at the opponents' language, they talk about what is also missing regarding property tax relief. Again, it's the same answer. What we have done in here is to indicate policy that is set by the Constitution. The policy here is to provide a quality, adequate education for every child. How that is done will be up to the Senate and the House and the Governor, through the Legislative process. Now...

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

...(machine cutoff)...and you also go on to say, "THE EDUCATION AMENDMENT IS THE ONLY WAY TO LOWER PROPERTY TAXES." Are you going to guarantee, then, that all of our property taxes are lowered?

PRESIDENT ROCK:

Senator Berman.

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SENATOR BERMAN:

If you'll read the language underneath that heading, you will see that what we have been doing for the past near-twenty years is decreasing State funding of schools and increasing the proportion of State funding of -- the proportion of funding of schools that comes from the property tax. The only way you're going to reverse that - namely lower property taxes, and maintain the funding of education - is to increase State funding of schools.

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

You go on to say, "Property taxes will never be reduced unless the state steps up to its responsibility to pay for the schools." Senator Berman, that is an outright falsehood. We do not even decide here in the General Assembly how much money goes to property taxes. According to this, your mayor - Mayor Daley - cannot lower the property taxes. He can't do it, because you are saying property taxes can't be reduced unless we pass this, and you've just done it. Now that's just wrong. People don't understand property taxes. You are telling them the only way - the only possible way - to get a property tax reduction is that they've got to vote for this. That's not true. You know it; I know it. A lot of the people out there do not know it. If you are going to put this out so that the public will understand what we are doing (1) you've got to say, "The Education Amendment will not increase your State taxes, but the Assembly may, in order to fund this Constitutional Amendment, which, if it is passed, we will have no choice to do otherwise." And you must also say, "Your property taxes may or may not be reduced, depending on the formula that we in the Assembly pass, or if your park district decides to reduce the levy, or if your municipality decides to reduce the levy, or your library board, or a half a dozen other

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things." For you to say that the only way - the only way - to lower property taxes - that may look good on a sound bite, but where this is a legal document - and you cannot lie in a legal document that you are putting out to all the people. You also have said, "Some schools in Illinois spend \$2,250 per pupil. Others spend \$14,000." Name me one school that is in existence now that spends \$14,000 dollars, and don't tell me McCauley, because it's no longer in existence.

PRESIDENT ROCK:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

From time to time we've had these Constitutional Amendments that we've presented to the people, and committees have been selected and appointed, and we get some form of resolution. And I think most of us have attempted to review them. I've always thought that that -- the little blue mail piece the Secretary of State's Office puts out is a good thing. Normally, when it's mailed, my office gets a bunch of calls from people who say, "Well, I got this in the mail; what does it mean? Give me a little more information." I think it causes people to think. And -- and I would be the first to admit, on occasion I've read the pro and con on an argument and thought that one side or the other may have gilded the lily a little, but I don't think I -- I can ever recall seeing things that I thought were outright falsehoods in this publication at taxpayers' expense. You know, I -- I admit they're skillfully drafted, but if they aren't -- they aren't -- they're more than half-truths and they aren't quite outright lies. I guess we can call them ninety percent half-truths or something? I don't know. I personally, without really taking a position pro or con against the amendment, have problems with this Legislative Body presenting this type of a campaign rhetoric in that publication. I think that publication

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should be a thoughtful discussion of both sides of the issue, not campaign pieces. There will be a pro committee, I assume, and an anti committee, and they will both make charges and countercharges in the nature of political campaigns. But for us to use the taxpayers' money to enter into that campaign with that kind of approach, I think is beneath our dignity. I would strongly suggest that we do away with this amendment and see if we can put some cooler heads in a room - maybe some people not so directly involved and so emotionally tied in, either pro or con - and -- and the -- while we wait for our friends across the hall to get their act together, come up with language that brings credit to the Senate - not discredit.

PRESIDENT ROCK:

Further discussion? Senator Woodyard.

SENATOR WOODYARD:

Well, thank you, Mr. President. I guess it is too bad that this is the day past the last day of Session. I happen to have supported the Constitutional Amendment, and a lot of the discussion on the Floor of the Senate this afternoon has dealt with the Amendment. That is not what this deals with. And quite frankly, I don't see anything wrong with this -- with this resolution. Certainly there's going to be an awful lot of time between now and November for both sides of this issue to present their arguments. And how on earth can you be opposed to something that people in this State vote on as a Constitutional Amendment? I've never understood that. If you want to -- if you want to adopt a Constitutional Amendment, then you vote for it; and if not, against it. But I don't know why this resolution has become so partisan. Was it because that we Republicans -- and I -- I've not been involved with the drafting of this language. I don't see anything wrong with it. Was it because that we, as Republicans, did not draft the language? That Democrats drafted the language?

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Or had more input than we? I don't even know that. I just don't see anything wrong with the resolution, and it's why I agreed to sponsor this resolution. And I would seek your Aye vote on the resolution.

PRESIDENT ROCK:

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Senator Woodyard, you're absolutely correct. We are debating the -- the amendment once again, and not the issue before us. It was my hope, and I made a pledge to my leader when he chose me for this position, to go and sit down with both sides, and in a bipartisan way, come up with language that would be acceptable to both Bodies, that would be concise or brief as the Statutes require us to do, pass it out of both Houses. When I met with Senator Berman initially and we worked on the proponent language - Senator Berman, you may recall - I talked about the need to make our language brief, not flowery. I felt that was the way we ought to go. It is indeed unfortunate - and I don't cast blame on any member of the committee - for my part, working on the budget and other issues that day, I wasn't able to attend the meetings. But I fear that the debate in the committee became very partisan and really skewed what we are about. And that, indeed, is too bad. I made a suggestion yesterday that we go back to the table and sit down, try to meet the spirit of the Statute, make brief statements that weren't flowery, and send it to both Bodies. That was rejected, and I guess I understand why it was rejected by both sides. But we are facing this afternoon a dilemma; this has to pass before we leave. The one thing you could say, I would suggest, is that both sides are treated fairly. Forget about who drafted what and who copied what. At least it's a pro/con on a group of subjects. I think it's a little bit lengthy. I further

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believe that the Secretary of State has the opportunity to edit if he believes it is too long for the document that he's going to mail out. I'm not sure of that, but I think he has. I think we are facing a dilemma here today, and we must get about our business.

PRESIDENT ROCK:

Senator Berman, to close.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. It is now 4:30 on July 1. I don't know how many minutes or hours we are going to be here, but under the present Statutes, we must - the General Assembly must - adopt a resolution with the description of the Constitutional -- proposed Amendment, the arguments pro and the arguments con. That is what you have before you. Let me point out to you -- and if those of you who have listened to this debate think about it a minute, you'll see how facetious some of the opponents' arguments are. Senator Karpel suggests that because the proponents, after they saw the arguments developed by the opponents, because the proponents revised their arguments, that this was a breach of faith or breach of a commitment. Well, Ladies and Gentlemen, we -- we operate as a public body. This is not hide-and-go-seek. This is not closed-door manipulations. This is a document which is submitted to all the voters. And the process must be open. No one, including the chairman of this committee - who is not a member of the Senate - no one could make a commitment saying that the proponents could or could not make any argument or that the opponents could or could not make any argument. The arguments in this resolution -- the proponents drafted the proponents' arguments and the opponents have drafted the opponents' argument. It was done openly. It was done aboveboard. All sides saw what the other side was doing. And each side adopted its own



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arguments. That's the way it should be. I, as a proponent, did not dictate to any opponent what they should say, and vice versa. The Constitutional Amendment is on the ballot. We owe a responsibility to disseminate information that will allow people to ask questions of us in the political process. Senator Butler, the book isn't big enough to cover all the arguments that will be involved in this debate. It is succinct; it is short; it is the pros; it is the cons. I ask an Aye vote on Senate Joint Resolution 184.

PRESIDENT ROCK:

Senator Berman has moved the adoption of Senate Joint Resolution 184. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 41 Ayes, 17 Nays, none voting Present. Senate Joint Resolution 184, having received the required constitutional majority, is declared adopted. Ladies and Gentlemen, before we move to Supplemental Calendar No. 2, and I would alert the Members on No. 2: Senators Demuzio, Madigan, DeAngelis and Maitland. Before we move to that Order, Senator Davidson, early -- earlier today, asked leave to get back to page 21 on the Calendar. If you can take a look at your regular Calendar. On the regular Calendar under the Order of Conference Committee Reports, Madam Secretary - we're at the top of page 21 - there is a Conference Committee Report on House Bill 3598.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3598.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, Conference Committee

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No. 1 on 3598 does four things -- or five things. First off, it deletes all the provision about the State Treasurer's opposition to the credit card payment for the Secretary of State. That's totally removed. They've worked out their differences, and that's resolved. This Conference Committee does four things. One, creates a drug-free truck stop and rest area zone, like we did for the drug-free school zone here earlier this year. This has language recommended by the Department of Corrections. Enhances the penalties for second and third conviction. Secondly, there is a provision for the new car and truck dealers to make the time frame for processing auto title -- auto titles uniformly with the Department of Revenue's automobile tax deadline. Changes the violation of this Section from a Class A misdemeanor to a petty offense. Three, enables -- enabling legislation for the City of Chicago to enter into a cooperative arrangement with the Secretary of State in order to collect the city vehicle registration fee. Secretary of State would suspend the registration on vehicles the owners of which do not purchase their registration sticker. A provision for reimbursement of expenses incurred by the Secretary of State's included. Four, includes what we had in the original bill - it increases the fee for those -- for bad checks from five to fifteen dollars, which is what normal bank cost is for returning a bank -- bad check today. And lastly, establishes a two-thousand-dollar petty cash fund at six additional driver facilities, so that these facilities could offer the service of selling registration plates and stickers. These facilities are Champaign, Decatur, Marion, Naperville, Peoria and Rockford. As it is, there's only two today - Chicago and Springfield. I move the adoption of Conference Committee Report No. 1 for House Bill 3598.

PRESIDENT ROCK:

Gentleman has moved the adoption of the Conference Committee

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Report on House Bill 3598. Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 3598. 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? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, 2 voting -- none voting Present. The Senate does adopt the Conference Committee Report on House Bill 3598, and the bill, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, we're on Supplemental Calendar No. 2 -- No. 3. I beg your pardon. Supplemental No. 3. ...(machine cutoff)...awaiting the machine being loaded. Senator Maitland, we'll have to go right down the line. It's just makes it easier on the machine.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

House Bill 854. Senator Demuzio. Read the bill, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 854.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. I am finally glad to have this thing called, because my co-sponsor, Senator Fawell, has been very much concerned about this -- this bill. This bill now does eleven different things of which I know of no controversy, and if anybody would like for me to go through them, I'd be delighted to do so. Okay. Is that a yes or a no? Okay. I ask for your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question -- is there any discussion? Question is, shall the Senate adopt the Conference Committee Report on House Bill 854.

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All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 54 Ayes, 1 Nay, none recorded as Present. And the Senate does adopt the Conference Committee Report on House Bill 854, and this bill, having received the constitutional majority, is hereby declared passed. House Bill 2750. Senator Madigan. Read the bill, Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 2750.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President and Members of the Senate. House -- or the Conference Committee Report on House Bill 2750 is basically the same language as we passed in the Senate, and as also passed the House. It -- the House, on the Senate amendment, had some questions about the language on the amendment that we added in so far as exempting law enforcement from this bill. There's been agreed language on it, and I would ask for concurrence on Conference Committee Report -- or ask to adopt Conference Committee Report No. 1 on House Bill 2750.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall the Senate adopt the Conference Committee Report on House Bill 2750. All those in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 59 Ayes, no Nays, none recorded as Present. And the Senate does concur and adopt the Conference Committee Report on House Bill 2750. This bill, having received the constitutional majority, is hereby declared passed. House Bill 3692. Senator DeAngelis. Read the bill, Madam Secretary.

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SECRETARY HAWKER:

First Conference Committee Report on House Bill 3692.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Conference Committee Report No. 1 on House Bill 3692 -- if you'll all recall, this was an extensive DCCA bill. The House rejected a couple of the provisions. Most of the bill is intact. DCCA is in favor of the bill. I know of no opposition to it. I would urge the adoption of Conference Committee Report No. 1 on House Bill 3692.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Is there any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you very much, Mr. -- Mr. President. I rise in support of the adoption of this Conference Committee Report, and want to commend Senator DeAngelis for the marvelous job that he has done with this particular piece of legislation and to say thank you very much for all the courtesies that he afforded me during the debate with respect to this bill. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Is there any further discussion? Senator DeAngelis, to close. This bill has wings. I'm sorry. Senator Keats. Keats.

SENATOR KEATS:

Page 6 -- this stuff about the film production promotions. Is this what authorizes all those bonds that we supposedly authorized for this?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator DeAngelis. Sounds like an echo. Senator DeAngelis, please.

SENATOR DeANGELIS:

Senator Keats, that is language that permits DCCA to pay for

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security costs that are involved when they block off streets for the filming of certain movies. As you know, the film industry is pretty large in Illinois.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Welch.

SENATOR WELCH:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR WELCH:

Senator, the analysis says that there's authorization for an Environmental Protection Agency regulatory assistance to small business pursuant to the Federal Clean Air Act amendments. How much does that cost, and where is the money coming from?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Just a minute.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator... Senator DeAngelis.

SENATOR DeANGELIS:

Senator Welch, I have been advised they're federal pass-through dollars through EPA. We do not have the amount of dollars yet.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch. Senator DeAngelis, to close.

SENATOR DeANGELIS:

Roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall the Senate adopt the Conference Committee Report on House Bill 3692. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who

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wish? Have all voted who wish? Please take the record. On this question, there are 53 Ayes, no Nays, 1 recorded as Present. And the Senate does adopt the Conference Committee Report on House Bill 3692. And this bill, having received the constitutional majority, is hereby declared passed. Senate Bill 186. Senator Maitland. Maitland, Ma'am. Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. I'm reliably informed that -- that Senate Bill -- the First Conference Committee Report on Senate Bill 186 has already failed in -- in the House. So I'm going to move that we -- that we accept this Conference Committee Report and ask for a No vote, because we're going to have go back and get a Second Conference Committee.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Maitland moves...

SENATOR MAITLAND:

I appreciate a No vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall the Senate adopt the Conference Committee Report on Senate Bill 186. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. No, please. Have all voted who wish? Please take the record. On this question, there are 4 Ayes, 52 Nays, 1 recorded as Present. And the Senate does not adopt the Conference Committee Report on Senate Bill 186, and a Second Conference Committee is requested. Leave of the Body, we'll turn to page 23 on the Calendar, appears Senate Bill 1567. Is there any objection? Hearing none, Senate Bill 1567. Read the bill, Madam Secretary. 1567.

SECRETARY HAWKER:

Conference Committee Report on Senate Bill 1567.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Senator Cullerton. Senator Collins. Senator Collins is being recognized...

SENATOR CULLERTON:

Thank you, Mr. President and Members of the Senate. I had taken this bill out of the record the last time we had called it. This bill -- this Conference Committee, among other things, contains provisions at the request of the New and Used Car Dealers' Association with regard to sending notification to the Secretary of State's Office. It extends that for five days. But the main provision is a bill that creates the Special Veterans' License Plate Fund. This is supported by the veterans' groups, as well as the Secretary of State. It's identical to a bill that Senator Philip had which passed, but due to a verification, fell one vote short. And as a matter of fact, as Senator Philip indicated, we have created a task force to study the need for veterans' plates, but perhaps instead of having that task force, we can just pass this bill. It's not a bad idea, because it has been worked on with the law enforcement community. They were concerned that the size of the numbers on this plate be large enough so that they - in this case only - decided to put the -- the veterans' designation in the area where "Land of Lincoln" would be. But that would only apply in these -- for these plates. With regard to the current veterans' plates that we have, they would remain in effect, but this may have the effect of not having to create new categories. And be happy to answer any questions, and urge an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Watson. Excuse me.

SENATOR WATSON:

Thank you, Mr. President. I -- unfortunately, I don't have an analysis of this Conference Committee Report, I guess. I thought we had debated this not very long ago - twice before. I think



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that the issue at hand here, Senator, is the -- the license plates issue. We have passed the resolution asking the Secretary of State to establish a task force to -- to look into this whole issue of license plates. The -- the reporting date is December 1st of this year. So we'll have ample time, so next year we can come back and hopefully address this -- this concern that -- that seems to be very trying with you, obviously, because this is, as you say, the third time you've run this up the flag. I -- the law enforcement community has an incredible problem with the license plates issue. They always have. They probably will, simply because of the duplication. We have some -- a hundred and seventy-six different types of license plates. Now we're going to add more. Even though they're -- the veterans are going to pay for them - certainly that makes it maybe more acceptable to some, but then to others, here we're asking the veterans to pay for -- more money for the plate in which maybe they -- maybe they shouldn't even have to pay for it period, because they're veterans. They've served this country. But anyway, let those issues be aired out in a task force and let us come back in December with some sort of a recommendation so the Legislature can actually do maybe some of the things that you want to see done, Senator. And I -- for the life of me, I don't know when these issues finally go away. I guess it's when we just drive out of this parking lot up here and leave when it finally ends. But I'd urge a No vote.

END OF TAPE

TAPE 5

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

...(machine cutoff)...further discussion? Senator Cullerton, to close.

SENATOR CULLERTON:

Well, Senator Watson, to respond: This was Senator Philip's bill, which got thirty votes, but was verified down to twenty-nine. It was a bill that -- you remember he got up and spoke about -- that it was a good idea, because the veterans in his organization had -- had asked for it. The fact is, we created a task force because the bill didn't pass. Well, now we got an opportunity to pass the bill. Why -- why create a task force to study whether or not we should pass this bill or not? Let's just vote on it. And I would say that the veterans are for it. And if anything else, it will have the effect of putting an end to these special veterans' plates, because every time we have a -- a military excursion, somebody wants to run in and get a new plate. This we'll have a generic veterans' plate. In that regard, it's a positive thing, and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1567. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 22 Ayes, 26 Nays, 2 recorded as Present. And the Senate does not adopt the Conference Committee Report on Senate Bill 1567, and is hereby declared lost. President Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would ask leave of the Body to move to page 18 on the Calendar for the consideration of Senate Joint Resolution 183. I have just spoken with Senator Philip, and I do believe he wishes to have a brief caucus of the minority Members. And then we will come

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immediately back and deal with 183.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman asks leave to go to page 18 of the Calendar, Senate Joint Resolution 183. Any objections? Hearing none, leave is granted. The Lady from Lake, Senator Geo-Karis, what purpose you seek recognition?

SENATOR GEO-KARIS:

Mr. President, I think the President spoke it already, but I want to remind the Members of my side that there will be a Caucus in Senator James "Pate" Philip's Office, now.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

That request is in order. There'll be a Republican Caucus in Senator Philip's Office immediately. And the Senate will stand at ease until the hour of 5:30.

(AT EASE)

(SENATE RECONVENES)

PRESIDENT ROCK:

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 adopt the First Conference Committee Report on Senate Bill 186, and requests a Second Conference Committee to consider the differences between the two Houses in regards to Amendment No. 1.

Action taken by the House, July 1, 1992.

I have a like Message on Senate Bill 2233, regarding

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Amendments 1, 2, 3, 4 and 5; Conference Committee Report on House Bill 3261, regarding Amendments 1, 2, 3 and 4; and House Bill 3882, regarding Amendment No. 2.

PRESIDENT ROCK:

All right. Senator Vadalabene will again move that the Senate accede to the request of the House for the formation of a conference committee and/or a second conference committee. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and it is so ordered. Ladies and Gentlemen, we will be proceeding with Senate Joint Resolution 183, and then we'll move to Supplemental Calendar No. 4, which the Secretary informs me has been distributed. On Supplemental 4 is Senators Etheredge, Welch, Mahar and Savickas. And for the information of the Membership: The House is in caucus. And shortly upon coming out of caucus, we are to be advised what the disposition of their caucus is -- has been, and whether or not they are prepared to proceed with the budget. If, indeed, they do not proceed, it appears we may well be here tomorrow. 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 adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 160.

It is substantive.

PRESIDENT ROCK:

All right. With leave of the Body, we'll ask that that be placed on the Order of Secretary's Desk, Resolutions.

PRESIDING OFFICER: (SENATOR COLLINS)

Resolutions. On page 18 of the Calendar - your regular Calendar - SJR 183. Senator Rock. I mean -- I'm sorry. Madam

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Secretary, read the resolution.

SECRETARY HAWKER:

Senate Joint Resolution 183 offered by President Rock.

(Secretary reads SJR No. 183)

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, on June 24th of this year I received - as I think every other Leader did - a memorandum from Senator Aldo DeAngelis and Representative Andrew McGann, as Co-chairmen of the Legislative Audit Commission, with respect to recommendations for the position of Auditor General of the State of Illinois. And I would like, for the purposes of the record, to put this in the record, that the memo recites, pursuant to Chapter 15, Section 302-3 of the Illinois Revised Statutes of the State of Illinois, which states, "(a) Except as may otherwise be provided by the Joint Rules of the General Assembly:

"(1) Upon the creation of a vacancy in the office of Auditor General, the Commission shall diligently search out qualified candidates for the office and make recommendations to the General Assembly;

"(2) The Auditor General shall be appointed by a joint resolution of the Senate and the House of Representatives, which may specify the date upon <sic> (on) which this <sic> (the) appointment takes effect.

"(b) A joint resolution, or other document as may be specified by the Joint Rules, appointing an Auditor General must be certified by the Speaker of the House and the President of the Senate as having been adopted by the affirmative vote of 3/5 of the members elected to each house, respectively, and be filed with the Secretary of State."

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And "(c) An appointment of an Auditor General takes effect on the day the appointment is completed by the General Assembly, unless the appointment specifies a later date on which it is to become effective."

And Senators DeAngelis and Representative McGann go on to say, as Co-chairmen of the Legislative Audit Commission, "Hereby respectfully submit the recommendations for the Office of Auditor General, in alphabetical order, as follows:" And there follows seven names - with which I'm sure we're all familiar - and further recites that "The above agreement on the nominees was unanimously approved at a meeting of the Legislative Audit Commission held at eight o'clock a.m. on this date of June 24." And it goes on to recite who was present. We have had, as a General Assembly, a vacancy since the first of the year in that office, due to our own action - the General Assembly action - offering early retirement opportunities, as we have to State employees. And I suggest - and although Senator Philip and I have discussed the possibility, at least, of deferring this until November or next year - I suggest that we should institutionally fill that vacancy, and fill it within a reasonable time frame. We should not allow that vacancy to continue, as it will into next year, if, indeed, we do not act. And so I am pleased to present for your consideration William Holland of Springfield for that position. He is a young man of - in my judgment - unquestioned ability and integrity. A young man of unquestioned energy. But more importantly, one who understands and reveres this institution. I view this for him as a terrific, nonpartisan, professional opportunity. He will not, he tells me - and told me, frankly, only earlier today - he will not be a candidate for this Office in November. And I decided to go ahead, because we, in Government, should not lose a man of this caliber - a man who has served in the House and the Senate in very responsible capacities; who has served all of us very well, as the

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head of our Washington, D.C. Office; and who has served responsibly as my Chief of Staff, and has, I suggest, distinguished himself, and certainly, acquitted himself admirably. I can tell you he shares my love and respect for this institution and this process. He knows and understands the people and the business, and he is a consummate professional. I would ask you, please, to give him this opportunity. He will serve you well, as he has served all of us. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rock has moved the adoption of Senate Joint Resolution 183. Discussion? If not, those in favor -- Senator -- Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Madam President. I, too, want to rise in support of the nomination of Bill Holland. I have had the honor and the distinction of having served on the Audit Commission for as long as I can remember being in the General Assembly, along with Senator Hall and Senator Vadalabene. I think we are perhaps the longest-serving members of that Commission. I also happen to have been the sponsor of Bob Cronson here eight years ago, in his quest to be reappointed to another ten-year term as the Auditor General. I -- I believe that Bob Cronson has certainly set the standard for those who follow in his footsteps, because of the manner and form in which he conducted himself as the Auditor General of the State of Illinois. I also took the time during the -- the last nominating period, eight years ago, to review the record of the Legislature and the debate with respect to Bob Cronson's first appointment. And I can remember back in reading those articles that there was a number of questions that were raised with respect to Bob Cronson's political background. At the time, Bob, I think, had served as both -- as the Assistant Secretary of State, both for Charlie Carpentier, and also as

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Assistant Secretary of State for Michael Howlett. And there were a number of accusations and terse debate with respect to his nomination during that period of time, and Bob was nominated, and received three-fifths of the General Assembly at that time, in order to become the Auditor General. Eight years ago, why that same issue was raised again with respect to his background. Well, I believe that we've interviewed some thirty-six people to be the Auditor General of the State of Illinois this time, and I do believe that we have picked out seven outstanding candidates, without any question. I perceive Bill Holland to be the most exemplary candidate that is among those seven. But let me point out that among each of those seven individuals, I suspect that we could look at each of their political backgrounds and they would have something of one party or another - there would be something that we could say about each one of those individuals. And I think we have to put that aside when we select someone to head this tremendously important Constitutional Office of providing oversight for all of the agencies of government, and I think that Bill Holland has certainly demonstrated that he has the ability to do that. As Senator Rock has indicated, he was our person in Washington who handled the first Office of -- of Intergovernmental Cooperation, I guess it was called at the time. When Bill Redmond was the Speaker of the House, and he managed to do -- also be there when George Ryan became Speaker of the House, as I recall. And so there's never really been any quarrel with the fact that he can serve in a capacity that is nonpartisan in nature and that he has the integrity, and certainly has the -- the ability, to act in a very fair manner. And I believe that, in this particular instance, he happens to be perhaps the most qualified person that we have among the seven. There are those who have indicated that perhaps we ought not to do this now; that perhaps we ought to do this in November. I've had, for the last week or so -- had the



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opportunity to go through the Constitutional Convention debate with respect to the appointment of a Auditor General in a timely fashion. And I won't take the time to -- to read you the actual transcripts of the comments that were made at the time, but I do want to impress upon everyone that we are here, we are in business, it is a legislative responsibility for us to select an Auditor General. And the resolution that is before us -- I think that it's our responsibility today to consider that individual and to fill this position as quickly as we possibly can. I'm sort of a historian around here. I guess I've been around here for a long period of time, but I do believe that we can effectively continue our integrity and effectively continue the bipartisanship by which we have operated the -- the -- the Commission - the Audit Commission - and I think it'll be an effective operation with Bill Holland as the next Auditor General. Thank you, Madam Secretary.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Madam President, Ladies and Gentlemen of the House. That's an error. Beverly, I withdraw that. That's -- that was -- that was a misstatement. Ladies and Gentlemen of the Senate, in thinking about this resolution, something came to my mind that I wanted to share with -- primarily with my colleagues on the other side of the aisle. A few years ago we went through a very difficult, heated Senate campaign contest. There was a gentleman that spearheaded the Republican Senate Committee, and with his other hat, filled the same position on the Republican side that Bill Holland fills on this side. After that election, the Governor - I am sure at the request of the Minority Leader - saw fit to nominate that individual to be the Director of the Department of Revenue. And I remember some of the discussion in our caucus, regarding that nomination. And there were some people

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on my side of the aisle that were so embittered by the tenor of the campaign that words couldn't describe their revolt at even the suggestion of a promotion for this gentleman. Our President, Phil Rock, in his inimitable way, said this was the suggestion of the Minority Leader, this was the suggestion of the Governor. Regardless of the bitterness that may have prevailed in some of those contests, this was their prerogative, and Phil saw to it that Roger Sweet was confirmed. I suggest that, my friends on the other side of the aisle, this would be a fine time to reciprocate to Phil Rock and to Bill Holland. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President and Members of the Senate. To keep it brief and also to reiterate pretty much what Senator Berman just said: I remember as a new freshman in the Senate in 1987, this nomination that Senator Berman just talked about is the first one I really remember. And I remember arguing, as a new freshman, in our Democratic Caucus, that we ought not hold up his nomination due to his doing his job and doing it well. In 1987 I argued that point on behalf of Roger Sweet; 1992 I argue it on behalf of Bill Holland. No one has questioned Bill Holland's ability; no one has questioned his integrity; no one has questioned his capacity to do his job, and to do this job, and to do it well. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Jones.

SENATOR JONES:

Yes. I, too, rise in support of Senate Joint Resolution 183. And I recall the spirited debate when we first elected our first Auditor General, when I was in the House. And I recall the debate about the partisanship and whether or not that person who's -- who

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has served in that capacity would serve in that capacity fairly and equal to all those persons in Illinois. And I recall when I served in the House, there was another young man who served in that House, and that person is Bill Holland. And of the times that I went to Washington, the door was always open. He was always able to aid and assist in most things that I asked him to do. When I came to the Senate, Bill Holland was Chief of Staff. I've worked with him; he's always handled things in a fair and professional manner - eminently qualified to do the job. A person who will work with everyone. And I think we should give him a unanimous vote, because he is that type of person.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This past Sunday, this Body surprised me in a very, very nice way. And when I was thinking about the people that I served, both in the House and the Senate, from all sections of this State, it brought back very fond memories of working together, of structuring programs, budgets that really improved the quality of life for the people of Illinois. I think you also have to remember, along those same thoughts, are the fine staff people we've had in both Bodies on both sides. I worked very closely with the Republicans in the House, whether they were in the majority or the minority, and I've always tried to do that in this Body as well. It's a matter of courtesy and respect of one individual to another in trying to accomplish what we consider best for the people of Illinois. I had some great colleagues, both in the House and the Senate, as elected Members, as well as staff people. I probably go back longer with this nominee than most. I was the Chair of the Appropriations Committee at the time. I was -- in fact, Ward Johnson was in charge of the staff

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for Clyde Choate when this gentleman was hired. I've always dealt with staff as I've dealt with everybody else; if there's a job to do, we sit down and try to do it. I can't tell you that I -- that I was impressed in 1974 when I met Bill Holland, but I sure was impressed by the end of 1974, because of the fact of the type of work dedication that this man put forward in a committee. And that type of dedication was proven to be quite successful, because then he was appointed the head of the committee - the head of the staff. When Bill Redmond and Phil Rock opened an office in Washington because there was an office by the State that wasn't functioning to the elected officials and the municipal officials to the degree that we thought was necessary, they said, "Now, who in the world wants to accept that responsibility that knows State government and wants to go to Washington?" Bill Holland was that man. And anybody who went to Washington, as Emil pointed out, there was an open-door policy promoting every aspect of what's good in Illinois. I had a little different relationship. Whenever I go to Washington I go to Danny Rostenkowski's office, and I don't have too many problems. But I told Bill when I was there, "You can call upon Danny, and he will try to help you in any way he can, as well as the Republican leadership." Bob Michel's no slouch, and he's been very good to this State. I was so pleased when I came to the Senate and Bill Holland was in charge of the staff. Why? I knew that he was a man of competency, of dedication, and he will try to accept the responsibilities of every Member on this side of the aisle, as well as, if it's possible, on the other side of the aisle. That's what I think we need in an Auditor General. A man of experience - seventeen years of experience in State Government; seventeen years of dedication in State Government; seventeen years of public service. A family man actively involved in this community. And I know he will definitely prove the fact that whether he worked with

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Dave Regner on the Appropriations Committee or Bud Washburn or Francis Whitney or Roger Sweet. Everybody who worked with Bill Holland knew he was a gentleman and he brought forth the best thoughts forward. That's what we need in an Auditor General - a fair, compassionate, dedicated individual, as we have in Bill Holland. And I move for the adoption.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Vadalabene.

SENATOR VADALABENE:

Thank you, Madam President. I probably - I'm not probably, I am - the oldest sitting Member of the Legislative Audit Commission, and I now serve as Secretary of that Commission, which was held by the late Fred Smith. I was on the Audit Commission when we -- we screened candidates, and Robert Cronson was selected, so that's going back a long time. I do know this: that we've screened a lot of candidates in the early seventies and we've screened a lot of candidates just in the last few months. Bill Holland is just as good a candidate as any of them - they were all fine, and I think this appointment will be well-served. Thank you.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rock, to close.

SENATOR ROCK:

Thank you, Madam President. Ladies and Gentleman of the Senate, my colleagues, let me just say again, I rise in strong support of this joint resolution. I have spoken with the House Leadership and told of them my intention. And I hope all of you will step back a moment and think, because I have not - and I would like the record to reflect - no one - no one, has questioned, or could, I think, this young man's capability, competency, integrity, knowledge of the system. And if the only justification for perhaps not supporting this resolution is

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politics, I would suggest that's not something that we ought to be very proud about. The quality of Illinois Government is our responsibility, as elected public officials, particularly when we are in a position to be, as we are now, the appointing power for a high office. We have all, over the years in various parts of the State, encouraged entry into government and politics by the younger folks around us. We have in our own Assembly a very extensive internship program, just for that purpose. And to have somebody rise through the system and then have an opportunity denied because he or she was too political, in my judgment, simply doesn't make any sense. We get here personally - individually - and we achieve this opportunity by virtue of public election, by virtue of politics. That is not, nor should it ever be, a dirty word. Nor should partisan politics ever be a dirty word. But I suggest to you that when you have a young man of this caliber who has a proven track record, who has the professional background to fulfill the obligations and responsibilities of this office, and more importantly, knows and reveres this institution and its people, we ought not let him get away. I would urge the adoption of Senate Joint Resolution 183.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rock has moved the adoption of Senate Joint Resolution 183. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 34 Ayes, no Nays, 25 Presents. Having failed to receive the required constitutional majority, the motion fails. On Supplemental 3 -- on Supplemental 4, on your desks. We're going to move to Supplemental 4, Conference Committee Reports. Starting out, the lineup is: Senator Etheredge, Welch, Welch, Mahar, and Senator Savickas. Senator Etheredge. Senator Fawell, for what purpose do you arise?

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SENATOR FAWELL:

A matter of personal privilege.

PRESIDING OFFICER: (SENATOR COLLINS)

State your point, please.

SENATOR FAWELL:

Senator Berman...

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Berman.

SENATOR FAWELL:

Senator Berman, I would like to apologize if you feel that I have personally insulted you in the heat of debate. I certainly did not mean to. I do think what we were discussing in the past is wrong. That's my personal feeling. I think we are presenting the wrong kind of information to the public. I did not mean it as a personal insult or reflection on you. And if you took it or thought I meant so, I, at this time, would like to publicly apologize.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Berman.

SENATOR BERMAN:

Thank you, Senator.

PRESIDING OFFICER: (SENATOR COLLINS)

Supplemental 4. Senator Etheredge. Etheredge. Are you -- Madam Secretary.

SECRETARY HAWKER:

First Conference Committee Report on House Bill 3418.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you -- thank you, Madam President and Ladies and Gentlemen of the Senate. The Conference Committee Report on House Bill 3418 consists of two parts. The first part brought to us by

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the County Treasurers. The second part is submitted at the request of the Department of Revenue. Both of these matters have been brought before the Senate within the last several days and weeks. They have both passed this Body by -- on votes of 59 to nothing. I would be happy to respond to any questions you might have about them, but if there are none, then I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Etheredge has moved to adopt the First Conference Committee Report of House Bill 3418. Discussion? Discussion? If not, the question is, shall the Senate adopt the First Conference Committee Report on House Bill 3418. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. And the Senate does adopt the First Conference Committee Report of House Bill 3418. And having received the required constitutional majority, House Bill 3418 is declared passed. House Bill 4025. Senator Welch. Read the bill, Mr. -- Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on House Bill 4025.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Welch.

SENATOR WELCH:

Thank you, Madam President. This Conference Committee comes back with -- the only change is the amount of money that is going to be allowed to be transferred from the Environmental Protection Agency to the Pollution Control Board. This raises that amount to a ceiling of five hundred thousand dollars to the Pollution Control Board from the Environmental Protection Agency Permit and Inspection Fund. It's my understanding that there currently is over a million dollars in that fund, and this will not deplete the



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fund to the extent that they can't perform their duties this year. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator -- Senator Welch has moved the adoption of the First Conference Committee Report on House Bill 4025. Discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Madam President. Question of the sponsor. Senator Welch, has the EPA signed -- IEPA signed off on this, do you know?

PRESIDING OFFICER: (SENATOR COLLINS)

I'm sorry. Senator Karpziel. Senator Welch.

SENATOR WELCH:

No, they haven't signed off. They are -- they are still opposed to it, but I understand that -- I believe the administration is for it.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Karpziel. Senator Karpziel. Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Madam President. I rise in support of this Conference Committee Report. My understanding is, from Al Grosboll from the Governor's Office, that the differences have been resolved and that this amendment -- that this Conference Committee Report is agreed upon.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Welch, to close.

SENATOR WELCH:

I would just urge an Aye vote. This has passed in a form similar before.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall the Senate adopt the First Conference Committee Report of House Bill 4025. Those in favor will vote

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Aye. Opposed, Nay. The voting is open. Has all -- have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, 1 voting Present. Having received the required -- and the Senate does adopt the First Conference Committee Report of House Bill 4025. And having received the required constitutional majority, this bill is declared passed. Senate Bill 1071. Senator Welch. Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on Senate Bill 1071.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Welch.

SENATOR WELCH:

Thank you, Madam President. What this Conference Committee Report does is it, first of all, deletes the original bill. What it does next is add a bill that we passed out of the Senate but got held up in the House after it got out of their committee. At the time it was being held up, the IMA objected to some of the language in it concerning the peak demand period. They have now been mollified. Their objection has been removed. And what the bill now does is amend the Public Utilities Act by replacing everything, and allows the Illinois Commerce Commission to consider rate structures that would encourage energy efficiency as a plan of meeting energy demands as a part of their Least Cost Energy Plan study. This is going to be a study of how differential rates on electricity could encourage the conserving of electricity throughout the State of Illinois. I'd be glad to answer any questions.

PRESIDENT ROCK:

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

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PRESIDENT ROCK:

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Is the Citizens Utility Board and the Illinois Manufacturers' Association, the Illinois Industrial Utility Consumers still opposed to this?

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Yes, the IMA is in support. We've been told by the House that CUB is in support. And the third group, I don't know that we've heard from, Senator.

PRESIDENT ROCK:

Senator -- oh. Okay. Further discussion? All right. If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 1071. Those in favor, vote Aye. Opposed, vote Nay. 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 57 Ayes, 1 Nay, none voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 1071, and the bill, having received the required constitutional majority, is declared passed. 2048. Senator Mahar. Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Second Conference Committee Report on Senate Bill 2048.

PRESIDENT ROCK:

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. Last night, when we discussed the First Conference Committee Report on Senate Bill 2048, there was a great deal of bipartisan nonsupport. And the reason for that is that the Report offered an amendment from the House which -- which

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created the Casino Gambling Impact Study Task Force. The Second Conference Committee removes that language. So I know of no -- no problems with the bill, and ask for the adoption of the Second Conference Committee Report to Senate Bill 2048.

PRESIDENT ROCK:

All right. The Gentleman has moved the adoption of the Conference Committee Report on Senate Bill 2048. Discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 2048. Those in favor, vote Aye. Opposed, vote Nay. 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. The Senate does adopt the Conference Committee Report on Senate Bill 2048, and the bill, having received the required constitutional majority, is declared passed. Senator Savickas. 2093. Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

First Conference Committee Report on Senate Bill 2093.

PRESIDENT ROCK:

Senator Savickas.

SENATOR SAVICKAS:

Yes. Mr. President and Members of the Senate, Conference Committee Report No. 1 to Senate Bill 2093 has about twenty-five items that have been changed. I can read through them. Probably -- I had given a copy of what we have done with this Conference Committee Report to the Republican staff. I don't know if they've read through it or not. If there's a question, I will go through each and every item. If not, I would move its concurrence -- or its adoption.

PRESIDENT ROCK:

The Gentleman has moved the adoption of the Conference Committee Report on Senate Bill 2093. Discussion? Senator

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Fawell.

SENATOR FAWELL:

Thank you very much. This is a Local Government bill. He is right, there were no Republican signatures on it, and I think if you will read the analysis you will see that there was some good reasons for it. It does have quick-take in it for the City of Chicago. It does have some DASA language that the Governor's Office would like. There is a provision which was in House Bill 470 - the Treasurer guarantees surety of business seeking contracts with the government, requested by the Treasurer's Office. And essentially, the State is insuring a businessman from defaulting. And I think that's the -- sort of the straw that broke the camel's back on this one. I would suggest my side, at least, take a very good look at this. Thank you.

PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Well, apparently this bill has been loaded down with a number of issues that have lost -- been defeated in one House or another. Another provision that has been attached is the surety bond guarantee fund that the State Treasurer has been -- is attempting to start. That issue was defeated in the House, although it did carry here in the Senate; but I still stand in opposition to that idea, which I think is a bad one and should not be started in this particular form. There may be a right way of doing it, but I certainly object to this one.

PRESIDENT ROCK:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDENT ROCK:

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Sponsor indicates he'll yield, Senator Davidson.

SENATOR DAVIDSON:

Senator Savickas, can you tell me why or what county board wants to make the change? Under the present law, county board will appropriate funds as may be necessary for the maintenance of the health department. This language you have in this bill says the county boards are required to appropriate funds sufficient to fund the approved budget of the county health department. Whether they have the money or not, they're required to do it. And as a former county board chairman, I want to tell you, this language is offensive, and I would urge everybody to vote No.

PRESIDENT ROCK:

Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. I rise again to -- in opposition to this bill. You will recall, I think some of the argument was the fact that it places the State in the position of guaranteeing sureties on private sector contracts. And I think, flatly, that is the wrong kind of position to put the State in. Secondly, it guarantees sureties on projects and people who cannot get bonds in the first place because their -- their financial positions are in -- in great doubt. So why we would want to expose the State to this kind of a -- this kind of a guarantee is beyond me, and I would urge a No.

PRESIDENT ROCK:

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Well, thank you, Mr. President. I would like to ask the sponsor a question about the provision that gives quick-take powers to public building commissions located within Cook County. Our analysis says that this quick-take will be used for a maximum of three acres and such property shall be used by the Chicago

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Board of Education for elementary school purposes, and that this quick-take authority shall only exist for a period of twenty-four months. I'd like to know where is this land, Senator, if you know, and what does this -- this provision pertain to?

PRESIDENT ROCK:

Senator Savickas.

SENATOR SAVICKAS:

Yes. Let me address some of those items as they came up. Senator Davidson addressed an issue that was requested by Senator Fawell in DuPage County, and if it's contrary to what county board policy should be, I would think that they could resolve it between themselves. Probably not... The two other items that were addressed by Senator Butler dealing with the bond guarantee and minority, female and disabled loan program were controversial, and were requested in the Conference Committee Report to be included. And hopefully that -- with time, the people would understand their full meaning and support the issue. Senator Dudycz, the quick-take and eminent domain power was watered-down, and basically is -- and I can't give you the answer if they have a specific piece of property or a location or not, but it was specifically for the Board of Education for -- to purchase for the construction of an elementary school. And that is, at this point, all I can tell you.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCZ:

Well, Senator, this -- this Conference Committee also gives the Public Building Commission the general power to provide relocation assistance and compensation for landowners displaced by any land acquisition. So there -- I'm just wondering: are -- are we displacing homeowners or where are we doing this? Why -- why -- why the secrecy about the location of this?

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PRESIDENT ROCK:

Senator Savickas.

SENATOR SAVICKAS:

Well, Senator, that is in current law, and we've just made it more open, not very specific. It's no different than the current law.

PRESIDENT ROCK:

Further discussion? Senator Savickas, you wish to close?

SENATOR SAVICKAS:

Well, I -- Mr. President, I do wish to seek adoption of this Conference Committee, and I know there are some issues that may be exciting to some people, but it is just, basically, a cleanup in local government, and hopefully, we can move along with it.

PRESIDENT ROCK:

All right. The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 2093. Those in favor, vote Aye. Opposed, vote Nay. And the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 25 Ayes, 31 Nays, none voting Present. The Conference Committee Report is not adopted, and the Secretary shall so inform the House. Senator Savickas requests a Second Committee of Conference. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The Secretary shall so inform the House. Ladies and Gentlemen, if I can have your attention. As we speak, the House Members have just come out of their respective caucuses. The Speaker has informed me that the differences between the Governor and Mr. Daniels are, at this moment, irreconcilable, and -- with respect to the Medicaid assessment, and that as a result of that, there are votes being withheld on the budget, and so the Speaker is announcing as we speak that the House will adjourn until eleven o'clock tomorrow



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morning, as will we, to afford the Governor an opportunity to settle his differences with Mr. Daniels. If, indeed, there is no resolution by noon tomorrow, we will then confer with the Governor and pick a day next week to come back. So the Senate will stand adjourned till eleven o'clock tomorrow morning.

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