

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

152nd Legislative Day

January 10, 1995

PRESIDENT PHILIP:

The regular Session of the 88th General will please come to order. Will the Members be at their desks and will our guests in the galleries please rise. Our prayer today will be given by Pastor Jamie Allen, Ashland Church of Christ, Ashland, Illinois. Pastor Allen.

PASTOR JAMIE ALLEN:

(Prayer by Pastor Jamie Allen)

PRESIDENT PHILIP:

Reading of the Journal. Senator Butler.

SECRETARY HARRY:

Senate Journals of Tuesday, November 29th; Wednesday, November 30th; and Thursday, December 1st, 1994, Mr. President.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

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

PRESIDENT PHILIP:

Senator Butler moves to approve the Journals just read. There being no objections, so ordered. Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

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

Senate Bill 1457, with House Amendments 1, 2 and 15.

Passed the House, as amended, December 1st, 1994.

We have a like Message on Senate Bill 1751, with House Amendments 3 and 4.

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...have your attention for a minute. The Chicago Tribune, Phil Green and the Sun-Times have requested permission to photograph the Session. Is leave granted? Leave is granted. Also the -- the Illinois Information System has asked permission to film this afternoon. Is leave granted? Leave is granted. Now it gives me great pleasure to introduce Senator Karpziel, for the purpose of an introduction.

SENATOR KARPIEL:

Thank you, Mr. President. Senator Woodyard, do you want to come up here with me? Because this has a Watseka connection also, I guess. It is my honor and my pleasure to introduce to you Mrs. Illinois, Carolyn Morris, and her husband, Bill, who reside in my district, in Bloomingdale, Illinois, and she would like to say a few words to you. But I would like for you to welcome Carolyn Morris and her husband. Mrs. Illinois of 1994.

CAROLYN MORRIS:

(Remarks by Carolyn Morris, Mrs. Illinois)

SENATOR WOODYARD:

You are probably wondering why I'm involved in a presentation of Mrs. Illinois when I have a district in east central Illinois and she is from Bloomingdale. Well, she happened to have been at a campaign activity of Governor Edgar at a high school in Watseka, Illinois, which is from my district. And the amazing thing and I know after seeing her you can't imagine that this would happen, but as she walked in that room, in that gymnasium, with the Governor, she got a much greater ovation than the Governor did, and I think you can probably see why. But anyway, I certainly welcome you to the Illinois Senate, Carolyn, and -- and wish you the very best of luck in your tenure as Mrs. Illinois. Thank you for coming to the Senate today.

PRESIDENT PHILIP:

Messages.

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SECRETARY HARRY:

Message from Senator LaPaille addressed to Senator Jones, Minority Leader.

Dear Senator Jones, I hereby resign my position as State Senator from the 11th Legislative District -- effective January 2nd, 1995. This will allow for a smooth transition from my office to Senator-elect Louis Viverito, and will afford Senator-elect Viverito service in the current General Assembly. It has truly been an honor serving the constituents of the 11th Legislative District and working with you as Senate Democratic Leader.

Best wishes, Gary J. LaPaille.

A Message from the Secretary of State.

Dear Mr. Secretary - This office is forwarding herewith a copy of the certificate of appointment and oath of office for Louis S. Viverito, who was appointed to fill the vacancy created by the resignation of Gary J. LaPaille in the office of State Senator, 88th General Assembly, 11th Legislative District.

Dated January 9th, 1995, and signed by George H. Ryan, Secretary of State.

PRESIDENT PHILIP:

Senator Jones, for what purpose do you rise?

SENATOR JONES:

Yeah. Thank you, Mr. President. I'd just like for us to welcome the newly -- newly appointed Senator from the 11th District who is here to cast his vote for the people of Illinois, and that is Senator Lou Viverito. He's right here.

PRESIDENT PHILIP:

Well, thank you, Senator Jones. And let me add my two cents: Congratulations. Very nice to have you here, and I know that you'll do extremely well, and we couldn't be any more happier. Good luck. Messages.

SECRETARY HARRY:

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A Message from Senator Topinka addressed to the President of the Senate.

Dear Mr. President - It has been wonderful serving with you and other Members of the Illinois Senate. I found your leadership to be exceptionally pleasing and I regret to some extent that I cannot stay so as to help you in fomenting State policy. However, and as you know, I was lucky enough to win the State Treasurer's Office on November 8th and now must go about my other duties, leaving the Senate in your trustworthy hands. To that end I herewith submit my resignation and wish you and my colleagues well as you go about your pursuits.

Very truly yours, Senator Judy Baar Topinka.

A Message from the Secretary of State.

Dear Mr. Secretary - This office is forwarding herewith a copy of the Certificate of Appointment and Oath for Thomas J. Walsh, who was appointed to fill the vacancy created by the resignation of Judy Baar Topinka in the office of State Senator, 88th General Assembly, 22nd Legislative District.

Filed January 9th, 1995, by George H. Ryan, Secretary of State.

PRESIDENT PHILIP:

Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Well, thank you, Mr. President. I just wanted the record to reflect that a number of our Members from Chicago were scheduled to fly down this morning, and obviously they are fogged in, and many of them now have sought other means of transportation, basically, I understand it, by -- by car. And so Senators Cullerton, Carroll, Berman, Shaw and Garcia, that I know of, will be here momentarily, and that is the reason why they aren't here at the moment.

PRESIDENT PHILIP:

The record will so indicate. Also, Senator Hawkinson is not

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here today, because the President of the United States is in his district. And I've been left to believe that he is entertaining the President. So will the record so indicate? Senator Demuzio.

SENATOR DEMUZIO:

Well, in that case, I'm sure he'll -- he'll be excused. A lot -- lot of folks over here would be delighted to have somebody from the Senate representing.

PRESIDENT PHILIP:

Now, Senator Walsh, congratulations. Nice to have you here. Senator Walsh and I go back a long, long time. I served with his father in the Illinois House for eight years, and his uncle. So -- as you know, he's been in the House for a couple of years and has done extremely well. We couldn't be anymore happier, Tom, to have you here. Congratulations.

PRESIDING OFFICER: (SENATOR DeANGELIS)

For what purpose does Senator Demuzio seek recognition?

SENATOR DEMUZIO:

Thank you, Mr. President. Also, for the record, Senator Jacobs, I am told, is also back in his district because the President of the United States is in his district, so he's not here today, along with Senator Hawkinson.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Let the record please note that. Committee Reports, Mr. Secretary.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been considered by the Committee: Be Approved for Consideration - Conference Committee Report No. 1 to Senate Bill 33, Conference Committee Report No. 1 to House Bill 61, Conference Committee Report 1 to House Bill 3975, and the motion to concur with House Amendment 5 to Senate Bill 1279.

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Channel 3-WCIA requests permission to videotape. Is leave granted? Leave is granted. Resolutions, Mr. Secretary.

SECRETARY HARRY:

Senate Resolution 1995 and Senate Resolution 1996, both offered by Senator Woodyard.

Senate Resolution 1997, by Senator Syverson and all Members.

Senate Resolution 1998, by Senator Syverson.

Senate Resolution 1999, by Senator Collins and all Members.

Senate Resolution 2000, by Senator Cullerton and all Members.

Senate Resolution 2001, offered by Senator Lauzen.

Senate Resolution 2002, by Senator Tom Dunn.

Senate Resolution 2003, by Senators Jones, Smith and others.

Senate Resolution 2004, as well as Senate Resolution 2005, by Senator O'Daniel.

Senator Sieben offers Senate Resolution 2006.

Senate Resolution 2007, by Senator Jones and all Members.

Senate Resolution 2008, by Senator Woodyard.

Senate Resolution 2009, by Senator Tom Dunn.

Senate Resolution 2010, by Senator Dudycz.

Senate Resolution 2011, by Senator Hall and all Members, as is Senate Resolution 2012.

Senator Trotter offers Senate Resolution 2013.

Senate Resolution 2014, by Senator Jones and all Members.

And Senate Resolution 2015, by Senators Donahue, Hasara and others.

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

PRESIDING OFFICER: (SENATOR DeANGELIS)

Consent Calendar. Resolutions.

SECRETARY HARRY:

Senate Resolution 2016, offered by Senator Dudycz.

(Secretary reads SR No. 2016)

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PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Resolution 2016. Those in favor will say Aye. Opposed, say No. The Ayes have it. The rules are suspended. Senator Dudycz, to explain the resolution.

SENATOR DUDYCZ:

Thank you, Mr. -- thank you, Mr. President. Senate Resolution 2016 does exactly what the Secretary read. It -- I -- I move to suspend the rules for the immediate consideration of 2016. It appoints a committee of three to approve the final Journal.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz has moved for the adoption of Senate Resolution 2016. Those in favor, say Aye. Opposed, say Nay. The Ayes have it and the resolution is adopted. Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 204, offered by Senator Dudycz.

(Secretary reads SJR No. 204)

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Joint Resolution 204. Those in favor will say Aye. Opposed, say No. The Ayes have it. Senator Dudycz, to explain the resolution.

SENATOR DUDYCZ:

Thank you, Mr. President. Senate Joint Resolution 204 does exactly what the Secretary read. It is the adjournment resolution. It states that, when we adjourn today, we will effectively concluded the business of the current 88th General Assembly and we will be adjourning sine die.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Dudycz has moved for the adoption of Senate Joint Resolution 204. Those in favor, say Aye. Opposed, say No. The

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Ayes have it and the resolution is adopted. The Supplemental Calendar has been distributed. And the intent of the Chair is to proceed to those items on that Calendar. This is final action, folks, so let's have a little order. On the Order of Secretary's Desk is the concurrence motion on Senate Bill 1279. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

I move to concur with House Amendment No. 5 to Senate Bill 1279.

Filed by Senator Farley.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Farley.

SENATOR FARLEY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would move to concur with Conference Committee Report No. 1 <sic> to Senate Bill 1279. What House Amendment No. 5 does is becomes the bill and it contains the provisions of Senate Bill 357, that was Senator Dudycz's bill that we passed in November, 57 to nothing. What this does is it briefly states that the bill as amended by the House clarifies that several provisions of Public Act 88-537 be tightened; that the TIF Act were effective prospectively and not retroactively. The Governor's recommended -- recommendations are reflected in this amendment. Briefly, what -- what happened was a bill was passed, Senate Bill -- Senate Bill 357, and the effective date was 1/1/94; however, the Governor did not sign it until 3/1/94, which made a discrepancy in the timing, and this would correct that -- that error. So I would move, Mr. President and Ladies and Gentlemen, that we do concur in Senate Conference -- or, Conference Committee No. 1 <sic>.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator O'Malley.

SENATOR O'MALLEY:

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Thank you, Mr. President. I rise to clarify for the record. I know it looks up there on our -- our total that I am a sponsor of this legislation. And while it was true in its original form that I was, I am no longer a member of this, and I have processed the paperwork earlier today. I would urge people to vote against this. I think this is not the -- the type of legislation at this point in time that we should be dealing with. I think we have an opportunity with the efforts underway to take a hard look at TIFs, to deal with this issue and other issues in the next few months and come out with something that's more comprehensive. In any event, I appreciate your indulgence.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Any further discussion? Any further discussion? If not, Senator Farley, to close.

SENATOR FARLEY:

Well, I would just reiterate, Mr. President, Ladies and Gentlemen, that this is the same as Senate Bill 357, Senator Dudycz's bill, that passed 57 to 0. So with that I would move for a favorable roll call.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The question is, shall the Senate concur in House Amendment No. 5 to Senate Bill 1279. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 43 Ayes, 9 voting Nay, none voting Present. And the Senate does concur in House Amendment No. 5 to Senate Bill 1279, and the bill, having received the required constitutional majority, is declared passed. The next order of business is Conference Committee Reports on the Supplemental Calendar on page -- on the Supplemental Calendar. Madam Secretary, do you have on file a conference committee report on House Bill 61?

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ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on House Bill 61.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The Chair recognizes Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Conference Committee Report No. 1 to House Bill 61 contains two provisions. It first of all guts the original bill and replaces that with two items. First item amends the State -- Finance Act and several licensing regulating Acts to create the General Professions Dedicated Fund, which is similar to a bill that we passed, House Bill 3625. And secondly, it adds language to establish the limited liability companies for Realtors. That language was contained in House Bill 3685, which passed this Chamber by a 59 to nothing roll call. Be glad to answer any questions to it. There is no known opposition to either one of these provisions. And absent any questions, I would ask for the adoption of Conference Committee Report No. 1 to House Bill 61.

PRESIDING OFFICER: (SENATOR DeANGELIS)

The Senate -- the question is, shall the Senate adopt the Conference Committee Report on House Bill 61. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, none voting Nay. The Senate does adopt the Conference Committee Report on House Bill 61, and the bill, having received the required constitutional majority, is declared passed. Madam Secretary, do you have on file a conference committee report on House Bill 3975?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on House Bill 3975.

PRESIDING OFFICER: (SENATOR DeANGELIS)

Senator Weaver. Senator Weaver, on House Bill 3975, the First

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Conference Committee Report. Senator Weaver. Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. The Conference Committee Report on 3975 has four items on it. All of them have been through this Chamber before in both Houses. It would change the Auditor General's -- it's based on the recommendations of the Auditor General on housing policy and standards, employee eligibility, et cetera. Allows the Department of Public Health to conduct a study from existing resources as to the social and economic effectiveness of the freestanding hospice residences in Illinois. It amends the State Police Act to require that officers found not guilty in a suspension hearing be awarded back pay for a period of suspension plus seven percent interest. Amends the Health Facilities Planning Act to make technical clean-up changes. And that's what it does, if anyone has any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I might add that our now current Treasurer, and I, was a sponsor of this bill. And I simply want to say that this was agreed in the conference report. And I sincerely hope that all of our colleagues here in the Senate will find this favorable and vote for its passage. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any further discussion? Any further discussion? Senator Weaver, would you like to close?

SENATOR WEAVER:

...favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall the Senate adopt the Conference

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Committee Report on Senate Bill -- pardon me, House Bill 3975. All 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 52 voting Yes, no voting No, no voting Present. The Senate does adopt the Conference Committee Report on House Bill 3975, and the bill, having received the required constitutional majority, is declared passed. We are remaining on Supplemental Calendar. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Mr. President, on a point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

Please state your point, Senator.

SENATOR GEO-KARIS:

Mr. President and Members of the Senate, I have the pleasure of introducing to you a member of our County Board of Lake County, in fact, from my district, Robert Neal, known as Bobby Neal, from Wadsworth, Illinois.

PRESIDING OFFICER: (SENATOR WATSON)

Very good, Bob...

SENATOR GEO-KARIS:

Let's welcome him.

PRESIDING OFFICER: (SENATOR WATSON)

Welcome to the Senate, Bob. Thank you. Senator Peterson, for what -- what purpose do you rise?

SENATOR PETERSON:

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

PRESIDING OFFICER: (SENATOR WATSON)

Please state your -- your point, Senator.

SENATOR PETERSON:

Like to introduce a constituent of mine, Ken Cabay, from Deer

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Park.

PRESIDING OFFICER: (SENATOR WATSON)

Ken, welcome to the Senate. Pleasure to have you here. Senator Klemm, for what purpose do you rise?

SENATOR KLEMM:

Well, thank you, Mr. President. I wanted to introduce to the Chamber our Barrington Township Committeeman and Trustee of Barrington Township, Dave Schmidt, who's joined with us today. David.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Welcome to the Senate. Back on Supplemental Calendar, Senate Bill 33. Madam Secretary, do you have on file a conference committee report on Senate Bill 33?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on Senate Bill 33.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Last year we passed a bill which was a freeze on senior citizens' assessed valuations contingent on certain conditions. The Governor vetoed it. It had a deadline for filing of December 1st. We overrode the veto the day before. And what this simply does, it extends the deadline for that for Cook County till March 1st and downstate till February 15th to apply for that exemption.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Tom Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I want to join with Senator DeAngelis in this bill. This is a very important bill to the seniors, who, literally, only had two days notice to apply for their exemption, and this will create a -- a much larger window,

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giving them, in fact, almost five weeks in addition. Most of them are aware of it now, but this will give them a greater opportunity to make application for this, which they should have been given the time, but there was nothing we could do at that time, and this corrects that. So I urge an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I compliment the sponsor for initiating this change. As Senator Dunn has said, what we wanted to try to do we were prevented to -- from -- perhaps prevented from doing because of the -- of the clock running with the override Session. However, I do have a question, Senator DeAngelis. Calling your attention to page 2, lines 1 through 11. I am advised that - at least in Cook County, and I believe in other counties - when a person comes in and applies for a -- an exemption or a freeze and their status is such that they could have applied for this exemption or freeze in previous years, the assessor has the discretion to issue certificates of error for the years prior to the application. Now, as I read this language, and I -- I'm asking for a clarification, specifically on line 2, it says that the base year means the taxable year prior to the taxable year for which the applicant first qualifies and applies. That -- that word "and applies" is -- is sort of a new trigger. Is it our legislative intent to prevent the assessor from issuing certificates of error to seniors who would have -- who would have qualified previously but just did not apply? Could you answer that for the record?

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Yes. This is supply-side tax relief. You have to really

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apply for it yourself. We -- we do not make exceptions for people who may have failed to do so and go back and pick it up. And by the way, while we're talking about that, let me stand corrected on a comment I made. In Cook County, the assessor will set the deadline for the applications, but he will also notify the taxpayers of that date.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman.

SENATOR BERMAN:

Are you able to indicate - again because this is a departure from our existing practice where we allow really the discretion in the assessor for issuing certificates of error for prior years - where that applicant would have qualified, why are we changing it now as it affects seniors?

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, we're not picking on the seniors per se. This bill puts a significant burden on a lot of these taxing bodies and the people that have to send out the notices. I think it would be very unfair for them to have to go back three years, find out if the person really lived there, verify their income at that time and find out whether the age was correct. That's just too cumbersome.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman.

SENATOR BERMAN:

All right. To the bill: It's -- I might take issue with this inasmuch as we're changing a practice that apparently all of the taxing bodies and the assessors have been able to live with, but I'm not going to make an issue out of this at this time. It's too important for us to move forward, but I'll solicit Senator DeAngelis' attention later in the Session and we'll talk about

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perhaps changing it. But let me just add one comment to the addendum that the sponsor made regarding the assessor in Cook County. The assessor will in Cook County -- we've set a date for all the other counties, February 15th, 1995. The Assessor in Cook County will have the discretion to set the date as he sees fit, but must give notice to the taxpayers by mail or by publication. I compliment, again, the sponsor for making these changes so that we can fulfill the expectations of our seniors who were looking for this kind of relief for fiscal -- for tax year 1994. I solicit everyone's support.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As one of the Members who voted in favor of giving seniors this assessment freeze, I must speak just briefly on behalf of the assessors in some of our rural downstate counties. They're having tremendous difficulties in implementing this -- this legislation, and certainly extending the deadline to February 15th will allow some additional seniors to get the paperwork done and qualify for the assessment freeze, but it won't solve some of the problems that the assessors have been faced with in trying to implement this legislation; namely, first of all, that the forms that they were supplied by the Department of Revenue had considerable technical flaws in them and misnomers in those -- in that paperwork, which has served to create confusion among the assessors, confusion among senior citizens, and I think raised some false hopes and false expectations in terms of what is actually happening with this legislation. And I think what we're seeing here today is probably just the first of probably several things that will be done over the next few years to change or modify or clean up this assessment freeze legislation for senior

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citizens. And one area I think that is going to need some additional attention is the validation of income; that the assessors are indicating to me that they have considerable doubts about the accuracy and the honesty and the validity of the affidavits that's being used to substantiate the thirty-five-thousand-dollar threshold for income. So I would suggest to the Body that although we will probably continue to support this legislation, there are going to be difficulties and problems, and there's going to be a need for additional clean-up legislation. So I think we'll -- we'll do this today, but I don't think it's the end of our problems with this legislation.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? Senator DeAngelis, to close.

SENATOR DeANGELIS:

I just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall the Senate adopt the Conference Committee Report on Senate Bill 33. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 voting Yes, no voting No, no voting Present. Senate Bill 33, having received the -- Conference -- I'm sorry. The Senate does adopt the Conference Committee Report on Senate Bill 33, and the bill, having received the required constitutional majority, is declared passed. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, many of my constituents are here this weekend -- this week, rather, and one of them is here, too. One of our good friends, Charles Willms - W-I-L-L-M-S - from Waukegan, Illinois. And I'd like you to

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welcome him.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Welcome to the Senate. We will now proceed to the order of Resolutions Consent Calendar. With leave of the Body, all those read in today will be adopted -- will be added to the Consent Calendar. Madam Secretary, have there been any objections filed to any resolution on the Consent Calendar?

ACTING SECRETARY HAWKER:

No -- no objections have been filed, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. And the motion carries, and the resolutions are adopted. Senator Donahue, for what purpose do you rise?

SENATOR DONAHUE:

Thank you, Mr. President. I would like to announce a Republican Caucus immediately. Originally we'd called for it for 2:30, but we are saying immediately in Pate Philip's office, and it will last an hour.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hall, for what purpose do you rise?

SENATOR HALL:

Thank you, Mr. Chairman -- I mean, Mr. President. I want to make announcement that we'd like to have a Democrat Caucus in the -- our Leader's office, right after adjournment. Okay. Senator Jones' office.

PRESIDING OFFICER: (SENATOR WATSON)

After adjournment? Or... Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

I want to ask a question. Is it -- is it Senator Donahue's

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request to have a -- a caucus immediately, before we adjourned?
Or are we adjourning and then caucusing? What's...

PRESIDING OFFICER: (SENATOR WATSON)

It would be before we adjourn, Senator.

SENATOR DEMUZIO:

Thank you. Before we adjourn, so we'll...(microphone
cutoff)...before we adjourn.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hall.

SENATOR HALL:

...Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

So there will be a Democrat and Republican Caucus immediately
in their respective offices. And the Senate will stand in recess
until 2:45.

(SENATE STANDS IN RECESS)

PRESIDING OFFICER: (SENATOR WEAVER)

Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the
following action: Be Approved for Consideration - motion to
concur with House Amendments 3 and 4 to Senate Bill 1751.

(SENATE RECONVENES)

PRESIDENT PHILIP:

The Senate will please come to order. Supplemental Calendar
No. 2 has been distributed. On the Supplemental Calendar No. 2,

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the Order of the Secretary's Desk, Concurrence. Mr. Secretary, read the bill.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 3 and 4 to Senate Bill 1751.

Filed by Senator Barkhausen.

PRESIDENT PHILIP:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President. The request and recommendation for concurrence here comes about largely as a result of a request that we in turn have had from the Secretary of State's Office. And that goes to Amendment No. 4, which would give the Secretary of State's Office some flexibility in -- in the design of the annual report that corporations under the Business Corporation Act and General Not For Profit Corporation Act have to file, so as to make it less expensive or so as to avoid a greater expense for corporations filing annual reports. In addition, there is a request that comes from the CPA Society, at whose request we passed this last Session a -- legislation authorizing limited liability partnerships, and so part of Amendment No. 3 cleans that up. Another part of Amendment No. 3 acts upon a recommendation from the Auditor General that the basis for charging for copies made by the Supreme Court be changed somewhat. Another part of Amendment No. 3 cleans up what was known as the Baby Richard legislation, House Bill 2424, now Public Act 88-550. And that deletes what we were supposed to have done. My understanding is, was to have deleted the underlying bill before passing that conference committee report, which we did not do at the time, and this now does that. Another part of House Amendment No. 3 makes certain clean-up changes, at the recommendation of the Department of Public Aid, to the Uniform Interstate Family Support Act, which

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is now Public Act 88-550 also, and so we hereby accomplish that. And then finally, another part of House Amendment No. 3 is a request from the Recorders to make certain changes in the dimensions of papers that are filed with them. I'd be glad to try to answer any questions the Members may have, and otherwise request concurrence in these two House amendments.

PRESIDENT PHILIP:

Is there any further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I have a question of the sponsor.

PRESIDENT PHILIP:

The sponsor indicates he will yield. Senator Berman.

SENATOR BERMAN:

In the portion of the amendment that deals with the Interstate Family Support Act, our -- our analysis says that the Department of Public Aid would be the initiating tribunal, but they would not have to file any documents in the circuit court. Could you explain a little bit about how do you go about collecting child support if you're not going through the court system? Or am I misreading this?

PRESIDENT PHILIP:

Senator Barkhausen.

SENATOR BARKHAUSEN:

I -- I wish I had more handlers here, Senator Berman. I know what we're trying to do in general with this legislation is to make it easier to collect child support in the situation where the payor - the obligor - has moved to another state. If it's true that something doesn't have to be filed within the circuit court, I assume that doesn't mean that a filing wouldn't have to take place in the -- in the court in the new jurisdiction in the state to which the payor, or the obligor, has moved. As I said, these provisions here are recommended by Public Aid, and beyond taking a

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stab at what may be the reason for that provision, my honest answer is I don't know.

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

All right. I -- I -- you know, this is a tough time to try to get into some of these details. Senator Barkhausen, if you would just have somebody from Public Aid who is very familiar with this touch base with me, any time today or tomorrow, I would appreciate it. We'll move -- we'll move ahead that way.

PRESIDENT PHILIP:

Senator Berman, that -- that request is certainly in order. Senator Hall, for what purpose do you rise?

SENATOR HALL:

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

PRESIDENT PHILIP:

He indicates he will. Senator -- Senator Hall.

SENATOR HALL:

It says, according to the Administrative Office of the Illinois Courts, this legislation is intended to correct an audit finding released May the 11th of last year. The finding held that the Clerk of the 1st Appellate Court did not charge the proper fees for copies. The current -- the current requirement of fifteen cents per one hundred words is archaic and impractical, according to the office. How did that occur?

PRESIDENT PHILIP:

Senator Barkhausen.

SENATOR BARKHAUSEN:

What was the last part of the question, Senator? How did that occur?

PRESIDENT PHILIP:

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Senator Hall.

SENATOR HALL:

During -- the Office of the Illinois Courts, this legislation is intended to correct an audit finding released May the 11th, 1994. The finding held that the Clerk of the 1st Appellate Court did not charge the proper fee for copies. What was the proper fee? The...(microphone cutoff)...did that. The current requirement of fifteen cents per hundred words is archaic and impractical, according to the office.

PRESIDENT PHILIP:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes. Apparently the requirement has been that a court impose a charge of fifteen cents per hundred words, and this would give them the authority to charge a certain un-stipulated amount per page. Now, obviously the Clerk isn't going to sit there and count out the number of words in a document. So, you know, they don't really have any sound basis for figuring out what they should charge under the current system.

PRESIDENT PHILIP:

Senator Hall.

SENATOR HALL:

Yes. But they have a job to -- why did this occur?

SENATOR BARKHAUSEN:

Again...

PRESIDENT PHILIP:

Senator Barkhausen.

SENATOR BARKHAUSEN:

I don't know.

SENATOR HALL:

Answer it for us.

PRESIDENT PHILIP:

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Senator Barkhausen.

SENATOR BARKHAUSEN:

The Auditor General, I suppose; maybe the Clerk of the Court.

PRESIDENT PHILIP:

Any further questions, Senator Hall? Senator Hall.

SENATOR HALL:

I think it's wrong for if a court -- if a clerk sits there and he doesn't charge the proper fee. Now something's wrong if that could happen all that time. That's what I want to know: Why?

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDENT PHILIP:

Sponsor indicates he will.

SENATOR GEO-KARIS:

My understanding is that what this bill does is -- is clean up a couple of errors and omissions. Am I correct?

PRESIDENT PHILIP:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes, Senator. All non-substantive.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

And these deficiencies in the bill were promised to be corrected by the lobbyists involved and I guess it wasn't done, so this amendment straightens it out. Is that -- is that correct?

PRESIDENT PHILIP:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes.

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SENATOR GEO-KARIS:

Well, Mr....

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I don't know why we're wasting any more time. Let's vote for the bill. It's a good change and it's needed, and I support it.

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

I apologize, Mr. President, for rising a second time, but I -- I just think that there's a provision in here that, at least, we ought to know what we're voting on. The -- the existing law says the circuit court is the - "the" - meaning the singular tribunal for determining paternity and child support. Paternity and child support. This amendment changes that, and it allows -- and it says that instead of being "the" tribunal, the courts are only "a" tribunal. A second tribunal is now the Department of Public Aid, under which the Department is given the authority to determine paternity and, as I read it, child support. But paternity is going to be determined by the Department of Public Aid, not necessarily by a court. That is a dramatic change. Very dramatic change. And I'll be interested to hear what the Department says as to their procedures. But I'm just telling you, Ladies and Gentlemen, this is no longer a issue -- paternity is not going to be decided by a court; it's going to be decided by somebody in the Department of Public Aid. That's a dramatic change. Thank you, Mr. President.

PRESIDENT PHILIP:

Any further discussion? If not, Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

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I -- I -- I don't think -- again, it might have been obvious from my earlier comments that I may be without some of the facts, but my staff tells me that -- that the Section of the bill to which Senator Berman refers does not represent a change in at least what has been the Department of Public Aid's practice; that rather, this is language that is meant to make -- to bring about a consistency between practice and -- and statutory language here in this new Act. Otherwise, Mr. President, I'd ask for a favorable roll call.

PRESIDENT PHILIP:

Now, this is final action. The question is, shall Senate concur in House Amendment 3 and 4 to Senate Bill 1751. Those in favor will signify by saying Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 44 Ayes, no Nays, 9 voting Present. Six voting No <sic>. The Senate does concur in House Amendment 3 and 4 to Senate Bill -- 1751. The bill, having received the required constitutional majority, is declared passed. Is there any other further business to come before the Senate? If not, we're going to go to the death resolution and then adjourn. Will the Members please be in their seat? Will the staff please retire to the gallery, and will the doormen please secure the doors? Senator Sieben moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Joint Resolution 201. Those in favor will signify by saying Aye. Those opposed, Nay. The Ayes have it. The rules are suspended. Please read the resolution.

SECRETARY HARRY:

Senate Joint Resolution 201, offered by Senators Sieben, Burzynski, Woodyard, Philip, and all Members.

(Secretary reads SJR No. 201)

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Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President. November 23rd, in the middle of the night, Harlan passed away unexpectedly with a massive heart attack. In fact, it was a shock to his family and to his friends and all the people that had known him. And he'd spent twenty years here in this Legislative Chamber. In fact, I think he used to sit right over here where Senator Watson sits. I think they both have the same barber, if I remember. But Harlan -- and for many of us, we lost a distinguished Member of our "short caucus". But in spite of Harlan's small stature, he stood up big for farmers; he stood up big and tall for family values; he stood up big and tall for taxpayers in this State. And I know Harlan always took great pride in the fact that he was always able to return a portion of his district office allowance and not spend it all, and he was a very frugal man, had a very small office in the basement of an insurance building in Freeport. Certainly a dedicated public service -- servant, having served on Con Con twenty years ago, being involved in that process. And the family was quite impressed at -- at the funeral service, on Saturday following Thanksgiving, that the -- the Governor chose to be there and make remarks at the funeral, and George Ryan was there and gave the eulogy, and Dawn Clark Netsch was there in attendance, and many of you on both sides of the aisle were there in Cedarville that Saturday after Thanksgiving, to remember a dear and beloved colleague in this -- in this Chamber. We've done the resolution, and we had it printed and had a copy of it framed, and last Wednesday night, Representative Lawfer and I went out to see Margie and went out to the farm about 6 o'clock in the evening and took a copy of the resolution to the family. And Tom and Tammy were there. We talked for about twenty minutes about Harlan, and then we talked about farming. We talked about a lot of issues and

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about the Republican elections, and by the time we were done, it was probably an hour and a half that we had been there. And I don't know how many of you have had an opportunity to present the family with a copy of a death resolution, but it was truly a moving experience that night - that cold Wednesday night - in Cedarville out in the countryside in Stevenson County on the farm that Harlan had loved so dearly. But Margie wanted me to share with you that that copy of the resolution is going on the wall in the kitchen, right next to that list of ten "Rigneyisms", I think it was that Laura and some of the other Members helped prepare to present to Harlan when he retired, along side the various remembrances that Harlan and the family have of his twenty years in the General Assembly. They appreciate that. It's a meaningful experience, and I just wanted to express the -- the appreciation of the family to everyone who was there at the service and the visitation and participated in sharing this resolution with the Rigney family.

PRESIDENT PHILIP:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, Harlan Rigney and I went into the House at the same time. We were colleagues with George Ryan. It would be twenty-two years ago today, as a matter of fact. And he was very knowledgeable about agriculture. He was very knowledgeable about revenue. He knew how to save a dollar, and he really did try to save the taxpayer's dollar. His death was very unpredictable. In fact, we were all shocked, and it's a great loss to all of us in Illinois. We certainly give our condolences to his fine wife, Marge, and his children. He will be well remembered by all of us who knew him.

PRESIDENT PHILIP:

Senator Sieben moves the adoption of Senate Joint Resolution

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201. All those in favor, please rise. The resolution is adopted.
The -- the Senate of the 88th General Assembly will now stand
adjourned sine die.

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