

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

88th Legislative Day

January 13, 1994

PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will come to order. Will the Members be at their desks, and will our guests in the gallery please rise. Our prayer today will be given by Rabbi Barry Marks, Temple Israel, Springfield. Rabbi.

RABBI BARRY MARKS:

(Prayer by Rabbi Barry Marks)

PRESIDING OFFICER: (SENATOR WEAVER)

Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journal of Wednesday, January 12th, in the year 1994, be postponed, pending arrival of the printed Journal.

PRESIDING OFFICER: (SENATOR WEAVER)

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

SECRETARY HARRY:

Senate Resolution 1002 is offered by Senator Jones.

Senate Resolution 1003, by Senator Raica.

Senate Resolution 1004, by Senator del Valle.

Senate Resolution 1005, by Senator Geo-Karis.

And Senate Resolution 1006, offered by Senator Stern.

They're all congratulatory, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar.

SECRETARY HARRY:

Senate Joint Resolution 113, offered by Senator Geo-Karis.

It's substantive.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose does Senator Raica arise?

SENATOR RAICA:

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A question of the Chair, Mr. President. The Senate resolution which I introduced is a -- is a congratulatory resolution. And my question is, do I have to ask leave to have immediate consideration to take that back with me today, or will the...

PRESIDING OFFICER: (SENATOR WEAVER)

It -- it'll be on the Consent Calendar today, which will be approved.

SENATOR RAICA:

Thank -- thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1169, offered by Senator del Valle.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

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

House Joint Resolution 90.

Adopted by the House, January 12, 1994.

We have like Messages on House Joint Resolution 91, House Joint Resolution 92, House Joint Resolution 94.

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

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar.

SECRETARY HARRY:

A Message from the House by Mr. Rossi, Clerk.

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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 95.

Adopted by the House, January 12, 1994.

We have a like Message on House Joint Resolution 20.

PRESIDING OFFICER: (SENATOR WEAVER)

Committee Reports.

SECRETARY HARRY:

Senator Raica, Chair of the Committee on Local Government and Elections, reports Senate Bill 1043, the motion to concur with House Amendments numbered 1, 2 and 3 Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

There'll be a short recess. So, the Senate will stand in -- at the call of the Chair. I'd ask that the -- Members of the Rules Committee meet in the anteroom.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will come to order. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports action on the following Legislative Measures: re-referred from the Appropriations Committee to the Rules Committee - Conference Committee Report No. 1 to Senate Bill 532; referred to the Committee on Environment and Energy - Senate Amendment 3 to House

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Bill 1249; re-referred from the Executive Committee to the Rules Committee - House Joint Resolution 95 and Senate Joint Resolution 110; and Be Approved for Consideration - House Joint Resolution 95, Senate Joint Resolution 110, and the First Conference Committee Report to Senate Bill 532.

PRESIDING OFFICER: (SENATOR WEAVER)

WAND-TV requests permission to videotape today's proceedings, as does KWQC-Channel 6, Davenport, Iowa. Is there leave? Leave is granted. For what purpose does Senator Mahar arise?

SENATOR MAHAR:

Thank you, Mr. President. The Senate Environment and Energy Committee will be meeting -- has been -- the time has been rescheduled from 1:15 to 12:30. We will meet at 12:30 in Room 400.

PRESIDING OFFICER: (SENATOR WEAVER)

Resolutions.

SECRETARY HARRY:

Senate Resolution 1007, offered by Senator Shaw.  
It's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar.

SECRETARY HARRY:

Senate Joint Resolution, Constitutional Amendment, 114,  
offered by Senator Petka.

PRESIDING OFFICER: (SENATOR WEAVER)

What purpose does Senator Watson arise?

SENATOR WATSON:

A point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

State your point, sir.

SENATOR WATSON:

Yes, thank you. The Education Committee will meet in Room 212

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at 1 o'clock. 212, 1 o'clock, Education Committee. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

It's the intent of the Chair to go to the Order of Concurrences on page 6 of your Calendar. Senate Bill 433. If the Members would come to the Floor. On page 6 of the Calendar, on the Order of Concurrences, Senate Bill 433. Senator Hawkinson, to -- Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments numbered 1, 2, 3, 4 and 5 to Senate Bill 433.

Filed by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I do move -- I do move to concur in House Amendments 1, 2, 3, 4 and 5 to Senate Bill 433. When this bill left the Senate, it had to do with the Human Rights Act. That has all been deleted from this bill, and the bill has several items that we've considered in other forms this year. The primary item, Amendment No. 1, deletes the bill and is, in turn, replaced by Amendment No. 2, which is really House Bill 1162 with the Governor's amendatory veto language. 1162 was the contribution bill that I introduced at the instance of the Illinois State Bar Association. It passed, I believe, unanimously here...

PRESIDING OFFICER: (SENATOR WEAVER)

Excuse me, Senator Hawkinson. Can we have a little order on the Floor? Will you break up your conferences? This is final action. Senator Hawkinson's trying to explain the bill.

SENATOR HAWKINSON:

Thank you, Mr. President. Again, Senate Amendment 2 is a form of House Bill 1162, which was the contribution action. However,

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it now has the changes that were placed on it by the Governor's amendatory veto language. And I believe that, at this point, it is -- it is relatively agreed to. It still exempts any medical malpractice, as it did when it left here, but it also has some changes that were put in by representatives of the IMA and the Defense Bar, which essentially cleaned it up and provide that if anyone's statute of repose - and the statute of repose, for you nonattorneys, is that Statute that says that after a certain time limit no suit can be -- can be brought - that if that has -- that those will be fully protected herein. And essentially what it says, that if the plaintiff - the person who is injured - could have sued you at the time that the plaintiff brought his or her suit, and you are now a defendant, that that defendant can bring another action for what we call "contribution" against the defendant who really caused the injury. Now if you were protected and could not have been sued by the original plaintiff, you cannot be sued, and this will not lengthen the statute of limitations or the statute of repose. That's what Amendment No. 2 does. Amendment No. 3 creates the Criminal Justice Information Projects Fund as a special fund in the State Treasury. This Fund already exists, but this amendment gives them the statutory authority for the line item. Amendment No. 4 is the amendatory veto language from House Bill 2168, which makes two technical modifications in the criminal disposition reporting requirements. And Amendment No. 5 is the amendatory veto language from Senator Shaw's Senate Bill 775, which deals with the statute of limitations in paternity cases. This was an initiative of the Chicago Bar Association. I don't believe the bill is controversial in its present form. It passed the House by a vote of 114 to nothing. We've considered these provisions before, and I would ask again for the Senate's concurrence in House Amendments 1, 2, 3, 4 and 5 to Senate Bill 433.

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PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall the Senate concur in House Amendments No. 1, 2, 3, 4 and 5 to Senate Bill 433. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none. The Senate does concur in House Amendments No. 1, 2, 3, 4 and 5 to Senate Bill 433. And the bill, having received the required constitutional majority, is declared passed. ...(microphone cutoff)...are awaiting the receipt of the Supplemental Calendar. So as soon as we get the Supplemental, why, we will continue on. For what purpose does Senator Demuzio arise?  
SENATOR DEMUZIO:

Thank you, Mr. President. I'd like the record to reflect today that Senator Molaro's still recovering, Senator Palmer and Senator LaPaille and Senator Vadalabene are absent today.

PRESIDING OFFICER: (SENATOR WEAVER)

The record will so reflect. Introduction of Bills, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1170, offered by Senator del Valle.

(Secretary reads title of bill)

Senate Bill 1171, offered by Senator Raica.

(Secretary reads title of bill)

Senate Bill 1172, offered by Senator Raica.

(Secretary reads title of bill)

Senate Bill 1173, offered by Senator Petka.

(Secretary reads title of bill)

Senate Bill 1174, offered by Senator Cronin.

(Secretary reads title of bill)

Senate Bill 1175, offered by Senator O'Malley.

(Secretary reads title of bill)

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Senate Bill 1176, offered by Senator Petka.

(Secretary reads title of bill)

Senate Bill 1177, offered by Senator Petka.

(Secretary reads title of bill)

Senate Bill 1178, offered by Senators Raica and Geo-Karis.

(Secretary reads title of bill)

Senate Bill 1179, offered by Senator Berman.

(Secretary reads title of bill)

Senate Bill 1180, offered by Senator Raica.

(Secretary reads title of bill)

Senate Bill 1181, offered by Senator O'Malley.

(Secretary reads title of bill)

Senate Bill 1182, offered by Senator Topinka.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR WEAVER)

Resolutions, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Joint Resolution 115, offered by Senators Madigan and Shadid.

It is substantive.

PRESIDING OFFICER: (SENATOR WEAVER)

WICS-TV requests permission to videotape. Is there leave? Leave is granted. On the Supplemental Calendar is Conference Committee Report on Senate Bill 532. Mr. Secretary, do you have a file on Conference Committee Report on Senate Bill 532?

SECRETARY HARRY:

First Conference Committee Report on Senate Bill 532.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Maitland.

SENATOR MAITLAND:

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



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the Senate. Senate Bill -- the conference committee on Senate Bill 532 contains five supplemental appropriated items, and let me briefly walk -- walk through them. First of all, the first Section - Section 5, 10 and 15 - contain the language for the Mount Morris School District that's been talked about and discussed on -- on the Floor of this Chamber in earlier -- earlier weeks and months. It's in the amount of seven hundred thirty-one thousand dollars. There may be questions of -- of Senator Sieben at a later point on that one; it affects his district. Secondly, Section 20 appropriates 3.5 million dollars to -- DCCA and is bridge money - JTPA funds - to get us through until the March appropriation. Section 25, the Department of Public Aid, would appropriate 4.3 million dollars. This is money necessary to be appropriated to capture additional federal dollars. Section 20 <sic> is in the amount of thirty-seven thousand two hundred and two dollars for the six-month salary of the second Deputy Auditor General's salary. And finally, Section 30 appropriates twelve thousand four hundred dollars to the widow of our -- our departed colleague, Representative Zeke -- Zeke Giorgi's family. I stand ready, Mr. President, to respond to any questions any Member might have. Otherwise, would move for the adoption of this Conference Committee Report No. 1 on Senate Bill 532.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 532. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none. The Senate does adopt the Conference Committee Report on Senate Bill 532. And the bill, having received the required constitutional majority, is declared passed. On the Supplemental Calendar, HJR 95. Mr. Secretary.

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SECRETARY HARRY:

House Joint Resolution 95, offered by Senators Mahar, Philip and others.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. House Joint Resolution 95 urges Governor Edgar and members of the Illinois Congressional Delegation to work with other states and their congressional delegations to seek amendment to the Clean Air Act of 1990 to eliminate provisions that an Employer Trip Reduction program be required in extreme and severe nonattainment areas, and in lieu thereof, leave such program as an option to be implemented by the states based on relative costs and benefits of said program. The Clean Air Act largely was modeled after a program in California which, as we see in recent articles, is -- is not working effectively. Our Congressional Delegation has signed a letter and sent to the Chief Administrator of the U.S. EPA and are working with us. Hopefully this is something that will continue that movement forward at the -- at the federal level. I would urge adoption of House Joint Resolution 95.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. In reality, I think this is probably one of the most important things that we are doing today. That trip reduction that the bureaucrats are insisting that we do, not only involves the collar counties, but also involves several other metropolitan areas. If -- if Congress wants us to do this, then I would suggest they give us an awful lot more money for mass transportation, which they are not about to do. For the benefit of my colleagues that represent Chicago, let me tell you that what

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this trip reduction requirement is is that twenty-five percent of any company that employs over a hundred employees must tell -- must not use their cars in order to get back and forth to work. One of the first companies that I heard from about this that said that they should be excused was a newspaper publisher, because, as he said, there is no way I can take twenty-five percent of my reporters off of the streets and still be able to publish my newspaper. All our hospitals, our schools, our businesses that employ over a hundred will all be affected by this. In DuPage County we had a meeting, and the estimate is that it is going to cost the business people of DuPage County two -- over two hundred million dollars to implement this program. They will have to go out and buy vans. They are talking about the liability insurance that they will be required to have on those vans. It is just an inworkable -- unworkable situation. And very frankly, I question whether it is even needed. Chicago was in compliance one hundred percent last year, as far as their air quality was concerned. Let me repeat that: Chicago was in compliance a hundred percent last year. When I asked the EPA about that, what I was told is, "Well, that's this year; maybe next year they won't be." And I said, "Maybe next year the sky might fall." DuPage has been in compliance for over three years. Before that, we were out of compliance for one-half hour for the entire year. This is a bad idea. This is going to affect everybody in any kind of metropolitan situation. And if you think that this -- that they're going to stop at Chicago, the collar counties, East St. Louis and some of the other metropolitan areas, I will lay you odds you are sadly mistaken, because eventually everybody is going to be caught with this in this entire State. This is a bureaucracy gone mad, and we ought to tell our congressmen, "Use your cotton-picking heads and repeal this portion of the -- of the bill."

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PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? If not, all in favor, signify by saying Aye. Opposed, Nay. The Ayes have it. The resolution's adopted. SJR 110, Mr. Secretary.

SECRETARY HARRY:

Senate Joint Resolution 110, offered by Senators Maitland and Palmer.

No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. First of all, let me indicate to you that I had failed to push my Yes button on the Conference Committee Report on 532, and -- and had, frankly, intended to vote for that. I would like the record to so indicate. I guess in my enthusiasm for all those green votes, I failed to push my button. And, no, it was not my old age. So I would appreciate the record to indicate that. Now with respect to Senate Joint Resolution 110, let me indicate to you that there are a number of us -- are very concerned about the possible reduction in funds that President Clinton has suggested be allocated to the ILEAP program. And this is really the only program we have left in Illinois to serve low-income people with their -- with their low -- low energy assistance. And you may recall, we -- we did away with the IREAP program a number of years ago, and so this is really the only cushion that we have. Governor Edgar, as I understand it, has sent a letter to the President asking him to reconsider that -- that reduction, recognizing that it would cost a lot of low-income families assistance during the winter. And the Governor is aware, as I understand it, of this resolution. The Department of Commerce and Community Affairs helped in the drafting of it. Senator Palmer,

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on -- on the other side of the aisle, joined me in support of this bipartisan effort to earn the President -- to urge the President and our Congressional Delegation to retain the funding of these very necessary funds. And, Mr. President, I would be happy to respond to any questions. Otherwise, would appreciate an affirmative vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall Senate Joint Resolution 110 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 1. Senate Joint Resolution 110, having received the constitutional majority, is declared passed -- adopted. Let me suggest that Energy and -- and Environment will meet in Room 400 at 12 o'clock -- 12:30, excuse me. So, the Senate will stand in recess until the hour of 2. Senator Demuzio.

SENATOR DEMUZIO:

Just as a point of clarification. We're -- we're going to recess till 2 and come back. Are we going to have additional Rules Committees then also during the interim, or after 2 o'clock?

PRESIDING OFFICER: (SENATOR WEAVER)

We are awaiting some paperwork from the House. Until that is received, the Rules cannot meet. So, we will probably be meeting, hopefully, shortly after 2 o'clock for Rules, and then report back. Senator Demuzio.

SENATOR DEMUZIO:

Well, can the Chair guarantee us that we're going to be out of here before it snows today, or not?

PRESIDING OFFICER: (SENATOR WEAVER)

I certainly hope so. The Senate will stand in recess until the hour of 2.

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(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will come to order. 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 766 with House Amendment No. 6.

Passed the House, as amended, January 13, 1994.

We have a like Message on Senate Bill 776 with House Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR WEAVER)

Resolutions.

SECRETARY HARRY:

Senate Resolution 1008, offered by Senator Welch.

And Senate Resolution 1009, by Senator Watson.

One is designatory. The other is congratulatory, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar. Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1183, offered by Senators Rea and Madigan.

(Secretary reads title of bill)

And Senate Bill 1184, offered by Senator Jones.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR WEAVER)

Committee Reports.

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SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: referred to the Committee on Executive - Senate Amendment 2 to House Bill 2082; and referred to the Judiciary Committee - the motion to concur with House Amendment 6 to Senate Bill 766.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose does Senator Karpiel arise?

SENATOR KARPIEL:

Thank you. I just would like to announce that there will be an Executive Committee meeting in Room 212 in one hour.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson, for what purpose do you arise?

SENATOR HAWKINSON:

Thank you, Mr. President. To announce that there'll be a meeting of the Senate Judiciary Committee in Room 400 at 3:25.

PRESIDING OFFICER: (SENATOR WEAVER)

On Supplemental Calendar No. 2, there appears Senate Bill 1043. Mr. Secretary. This will be final action. I would request the Members come to the Floor.

SECRETARY HARRY:

...(microphone cutoff)...move to concur with the House in the adoption of their Amendments 1, 2 and 3 to Senate Bill 1043.

Filed by Senator Mahar.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. Senate Bill -- the House Amendments 1, 2 and 3 to Senate Bill 1043 deal with three issues. The first: it involves a negotiated settlement between the Tax Increment Financing District Association of the State of

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Illinois, which is comprised of municipalities, and the educational community regarding items such as notification and to keep them apprised of what is transpiring in TIF districts. It is a compromise, and in committee today, there was nobody that filed an objection. The second is an issue that has been around the Chamber for quite some time, Senator DeAngelis' bill, regarding -- or Senate Bill 402. It is additional TIF legislation. It passed here originally 55 to nothing. In fact, I think it's passed here several times without opposition. The Governor amendatorily vetoed it, and what this amendment does is accept the Governor's specific recommendations for change. The third amendment deals with an issue in my community in the Village of Orland Park, where -- and it's a bill that, once again, this past spring passed without opposition. It allows a group of individuals who are being double-taxed for park services to de-annex from one of the entities by a referendum. And I -- be happy to entertain any questions. Senator DeAngelis, Chairman of the Revenue Committee, is here to answer questions regarding the TIF amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? If not - this is final action - the question is, shall the Senate concur in House Amendments No. 1, 2 and 3 to Senate Bill 1043. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? On that question, the Ayes are 54... Take the record. Excuse me. On that question, the Ayes are 54, the Nays are none. Senate Bill 1043, having received the constitutional majority, is declared passed. Senator Mahar, do you wish Senate Bill 1249 to be recalled to 2nd? On page 2 of the regular Calendar, there appears House Bill 1249. Mr. Secretary. Senator Mahar seeks leave of the Body to -- return House Bill 1249 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd



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Reading is House Bill 1249. Mr. Secretary, are there any Floor amendments approved for consideration? We'll take this out of the record for just a second. Committee Reports.

SECRETARY HARRY:

Senator Mahar, Chair of the Committee on Environment and Energy, reports Senate Amendment 3 to House Bill 1249 Be Adopted.

And Senator Watson, Chair of the Committee on Education, reports that Senate Bill 881, the motion to concur with House Amendments numbered 1, 2, 3, 4, 6, 7, 8, 10 and 11 Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar has sought leave to return House Bill 1249 to the Order of 2nd Reading for the purpose of an amendment. Hearing no -- no objection, leave is granted. On the Order of 2nd Reading is House Bill 1249. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Mahar.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar, to explain the amendment.

SENATOR MAHAR:

Thank you, Mr. President. This is the vehicle emissions -- the expansion of vehicle emission testing in the State of Illinois, which has been foisted upon us by our friends in Congress. I would move for the adoption of -- of the Floor amendment, and we can debate it on 3rd.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Welch.

SENATOR WELCH:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR WELCH:

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Senator Mahar, are there any costs now to have your vehicle inspected in the State of Illinois?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Our cost - the State of Illinois' cost - is six dollars per vehicle.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

Is there any cost to the individual automobile owner?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

No, there is not.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

On page 24 of the Conference Committee Report <sic>, I guess it is, page 24, paragraph (e), it says, "For a \$20 fee, to be paid into the Vehicle Inspection Fund, the Agency shall inspect: (A) Vehicles operated on federal installations within an affected county, pursuant to Title 40, Section 51.356 of the Code of Federal Regulations." Is that meant to include those soldiers and sailors living at Great Lakes Naval Base or Scott Air Force Base in the State of Illinois?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

No.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Demuzio. Oh, excuse me. Senator Welch.

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SENATOR WELCH:

Well then, I'm wondering who it applies to. Who are you trying to get to pay twenty bucks for a vehicle inspection?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

The federal vehicles.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Welch.

SENATOR WELCH:

The -- well, the vehicle doesn't pay the fee. The owner of the vehicle -- you're saying the federal government's going to pay twenty bucks for every federal vehicle operated in the State of Illinois?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

The Clean Air Act specifically allows us to charge twenty dollars for federally owned vehicle, to charge the federal government. Seeing how they stuck us with this sixty-million-dollar cost, we're going to take advantage of it.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? Senator Rea.

SENATOR REA:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR REA:

I know that in the earlier Conference Committee Report that was under consideration, that there was no monies that were taken from the Motor Fuel Tax Fund. Is -- in this version here, is there monies taken from the Motor Fuel Tax Fund beginning July 1st

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of '94 until December 31st, year 2000, in the amount of one-twelfth of twenty-five million?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. The -- every version that's come before us this year has had the -- the cost to implement this program borne in large part by the Road Fund. The difference between this bill and other bills is that we cap the amount that can come out of the Road Fund at twenty-five million dollars through the year 2000.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rea.

SENATOR REA:

Well, Senator, as a result of this, would there be any -- any monies lost from the Motor Fuel Tax Fund?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

There is nothing beyond the twenty-five million. We're also receiving for the next three fiscal years a grant of fifteen million from the federal government, which allows us -- for the capital improvements. So, there is a commitment in -- in this legislation not to expand dipping into the Motor Fuel Tax Fund any more than the twenty-five million.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Rea.

SENATOR REA:

Let me narrow it down a little bit more. Will there be any loss to township roads?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

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SENATOR MAHAR:

I'm advised that it is the same amount that has been utilized since the inception of the program in the existing areas today. So it's not -- there will be no increase. What...(microphone cutoff)...

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? If not -- Senator Klemm, excuse me.

SENATOR KLEMM:

Well, thank you, Mr. President. Just a question to the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR KLEMM:

Is this being forced upon our businesses and taxpayers and -- and motoring public because of that ill-advised, I guess, one-day reading of a severe determination, I guess, on one day of the entire year that the Federal EPA did?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

It's -- we are visiting this issue today because our Congressional Delegation feels that the -- and all of Congress feels that the air quality in twenty-two states in this country does not meet their minimum standards. As of now, eighteen states have passed this bill. Now, I -- I -- based on the citations that they have cited Illinois, when we're not in compliance, it appears to me that there is not -- there is not a necessity to spend an additional forty million dollars a year for these standards. But when you're blackmailed to the tune of seven hundred and ten million dollars, we have very little choice in this matter, unfortunately.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Klemm.

SENATOR KLEMM:

Well, thank you. I -- I believe we do have a choice. I believe we have a choice finally of -- of maybe speaking out to the federal government and saying this approach of blackmail to our -- which is our own federal dollars being deprived to be sent to Illinois. I mean, those aren't the Congressional Delegation's dollars. They're our tax dollars that we send there. And then to require my taxpayers in my area to spend this kind of dollars to accomplish so little, based on information that is questionable, to say the least - to be the most generous I can - and to have the Federal EPA, which seems to me this is a Federal EPA bureaucratic make-work bill, that I would think that we should, in all fairness to the Illinois residents that we're -- be voting for, consider very carefully if we should capitulate to this blackmail request. It seems to me one day out of three hundred and sixty-five that has questionable data, to say the least, would require at least government to say, "Well, let's look at it again before we do and force this mandate." Now, we all want our federal dollars returned to us to repair our roads and streets, and we're all in favor of that. We all want clean air. We all want the things that we're trying to do. But I think this approach, to spend this kind of money to accomplish so little, is wrong, and I would ask you to join me to oppose it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'd just like to get a little clarification, if I could, from the sponsor, in regards -- I think this is good, I'm going to vote for it and everything else, but we -- we do have the question that was raised by Senator Welch that I do think needs to be answered,

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mainly because there's (A) and (B) on page 24 under the federal installations. And (B) is self-explanatory, and that's what you've been explaining. If there's federally owned vehicles operating in affected counties, those are going to -- to receive the twenty-dollar fee. That's understandable, and I think that's acceptable, because that's the federal government paying us on this unfunded mandate. But (A) states that vehicles operated on federal installations within an affected county also are included. What bothers me with that is that in a federal institution -- Rock Island County is not included in this, but if they were, and there's eight thousand-plus people that work on the Rock Island Arsenal, those people would have to pay a twenty-dollar fee as this is written. I'm not questioning whether we should -- should let that determine whether or not we pass this legislation, because we should. But what I'd like from the sponsor is -- is -- is his commitment that in this Session upcoming, that we clarify this language and we ensure that those people are not included -- that those employees would not have to pay twenty dollars just because they're on a federal installation. If the sponsor would give that commitment, I'm sure that we could proceed on that issue.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

I can assure Senator Jacobs and all Members of this Chamber that it is -- there is no intention by myself, the EPA or any facet of State government to -- to go beyond what I have said as far as charging fees for other -- anything other than the vehicle owned by the federal government. Any private vehicle in the State of Illinois, under this legislation, will be done and -- the cost shall be borne by the twenty-five million dollars coming out of the Road Fund. And if that needs to be clarified, it shall be.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would.

SENATOR HALL:

Senator, I see here that -- well, I was just reading it here -- defines affected counties as Cook; DuPage; Lake; and part of Kane, Kendall, McHenry, Will, Madison, Monroe and St. Clair. Are you still doing it by zip code?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Yes.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hall.

SENATOR HALL:

That's -- that's -- that's very, very unfair, because a person could be on one side of the street and be in the zip and -- and -- and the zip code -- I have them in my area, that people who live in certain zip codes do not have to have their cars inspected, while another person does. It's not right. It's really -- really unfair to do this. So, my vote will reflect my feelings accordingly.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Watson.

SENATOR WATSON:

Yes, thank you. Just to echo what my friend from St. Clair County referred to as opposition to this. I -- I share that same opposition. I -- and it's no reflection to the people at EPA or the Department of Transportation or certainly the sponsor of this



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bill, the Governor's Office, or anyone that -- dealing with State government, because this is not our responsibility. What we're about to do here is not a direct result of anything that has occurred in State government. This is a direct result of those Congressmen and U.S. Senators and the President of the United States at that particular time, who decided that the Clean Air Act was something that we needed to force down the throats of the people of this country. I don't really think they took much consideration into how this might impact the general public. I wrote a letter on December 9th to Secretary Browner of -- of the U.S. EPA, asking her to give us some consideration as she did California, in a waiver, especially in the St. Louis area, where we are only out of compliance in the entire St. Louis region on eight different occasions. Now, you have eighteen test sites. You test them every hour, twenty-four hours a day. You've got a possible -- over a hundred and fifty thousand different tests that could be given annually, and the St. Louis region was only out of compliance eight times. This is completely ludicrous. This is overkill. And once again, it's not the Environmental Protection Agency of the State of Illinois; it is not the Department of Transportation, State of Illinois; it is not Senator Mahar; it is not Governor Edgar, but our Congressional Delegation in Washington that needs to be addressing this issue. We, on <sic> the St. Louis area, are moving in the right direction. When the original stance was taken and the original tests were done, St. Louis was out of compliance considerably more than they are today. We're doing things in the St. Louis region that will cut down on the traffic volume. We're doing what we think is in the best interest of clean air of the metropolitan east area. And what do we get? Do we get any consideration, any flexibility at all? No. No. And we have a basic testing system now. Those of you that live in the area and are about to vote for this, the basic system is a

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very simple one. When you go to the enhanced system, it's more costly, more time-consuming, and you're going to hear from the public and their opposition to this. And I think we should give our Congressional Delegation the opportunity to review the Clean Air Act once again, and back off some of this ridiculous mandates and requirements that they're asking us to vote on here today. It is overkill, and I certainly would think that the proper thing to do at this time is to kill this particular piece of legislation and do nothing more than send a message to Congress and Washington that enough is enough, and it's time to put a halt. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Stern.

SENATOR STERN:

Mr. President and Members of the Senate, I am somebody who lives in an area that is already testing her vehicles on a regular basis, and I don't object to it, and I, frankly, am eager to get the air cleaned up. I do think, however, it is counterproductive for State government to be charging federal government twenty dollars a vehicle. I think it looks like spite, to get back at them for doing this. But these are our twenty bucks, folks, and I think this is ludicrous. When I was in county government, we already knew it was unwise for the county clerk to charge the county coroner or the county circuit clerk to charge another county office. For one government to charge another government for doing a service that it doesn't charge for other people seems to be highly suspect policy.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President. Let me rise to concur with my friend and colleague on the other side of the aisle, Frank Watson. He's absolutely right. This is another one of those

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mandates that George Bush gave to us, and look what happened to him. I urge you all to vote No.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar, to close.

SENATOR MAHAR:

Thank you, Mr. President. Many of you today have rose in indignation over what the federal government is doing to us, and I -- I certainly concur. There is no foundation in fact or tests for what they are imposing upon us today. And I've wrote our Congressional Delegation and expressed my point. I went to Washington and visited with their staff. And of the Members of Congress and two U.S. Senators, you know how many responses I got back? Six. And of those six responses, two were on issues that I didn't even ask them about. Clearly, they're confused. Clearly, they need a wake-up call. However, when we were elected to come to Springfield and do the people's work, the people back home know that we don't have command of absolutely every issue that comes before us, but nonetheless, we are asked to use common sense, to apply common sense to the things that come before us. And to lose seven hundred and ten million dollars makes no sense. We can't afford that out of a budget of 1.1 billion dollars in Road Fund money. There is no need. We -- we passed the November 15th date. The sanctioning process has begun. The federal government can apply immediate sanctions after the period of being in the Federal Record. I think it ends March 2nd. And they can take every penny, every seven hundred and ten million dollars that is due us. My suggestion is we pass this bill and we continue to fight. We don't have to have this program implemented a hundred percent till January the 1st, 1996. There's time to fight. I would suggest we join with states such as Louisiana, who has corresponded with me, who wants to form a coalition of states to significantly change the Clean Air Act so we add some common sense to it. The

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difference between us and Louisiana: they passed the bill. Their road funds are not in danger. Let's do the right thing. Let's pass this amendment, and then let's add thirty votes and pass the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall the Floor Amendment No. 3 to House Bill 1249 be adopted. All those in favor will vote Aye. Opposed, 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, the Ayes are 37, the Nays are 14, 1 voting Present, 7 not voting. Floor Amendment No. 3 is adopted. Any further amendments?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. On the Order of 3rd Reading is House Bill 1249. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1249.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. I think that the bill has been fully debated on 2nd Reading, and I would certainly be very pleased to have the same roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, the question is, shall House Bill 1249 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that

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question, the Ayes are 41, the Nays are 12, 1 voting Present. House Bill 1249, having received the constitutional majority, is declared passed. State -- The State Journal-Register has requested permission to take photographs on the Senate Floor. Is there leave? Leave is granted. Also WCIA, the Illinois Information Service, and WAND-TV request permission to videotape. Is there leave? Leave is granted. On your desk you will find Supplemental Calendar No. 3. Secretary's Desk, Concurrence, Senate Bills. Senator O'Malley, on Senate Bill 881. Do you wish to proceed? Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments numbered 1, 2, 3, 4, 6, 7, 8, 10 and 11 to Senate Bill 881.

Filed by Senator O'Malley.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and my fellow Members of the Senate. Senate Bill 881, as amended by various House amendments, does the following: Number 1 deletes the original provisions of 881 and makes the bill a shell. Amendment No. 2 provides that voters residing within a unit district that crosses the boundaries of educational service regions shall be eligible to vote for the regional superintendent who has control over the schools of the unit district and the regional board of school trustees for that region. House Amendment No. 3, offered by Representative Brunsvold, adds the amendatorily vetoed contents of Senate Bill 159. House Amendment No. 4, offered by Representative Santiago, adds the amendatorily vetoed contents of Senate Bill 7. It allows teachers with bilingual education certificates to teach in preschool programs. It also requires Chicago teachers hired after

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the bill's effective date to serve in preschool programs with fifty percent or more limited English proficiency students -- by July 1, 1988, either -- by -- they must hold by July 1, '98 either a bilingual certificate endorsed in the students' home language or an early childhood certificate with a statement of approval in English as a Second Language. House Amendment No. 6 was offered by Representative Giglio. It amends the College Student Immunization Act to exempt the students of Governors State, Northeastern Illinois, and Chicago State from the immunization requirements of the Act. House Amendment No. 7 was offered by Representative Levin. It -- this amendment requires the Governor's Purchased Care Review Board to promulgate rules for the determination of allowable costs and payments to private special ed providers. House Amendment No. 8 was offered by Representative Turner. It adds an immediate effective date. House Amendment No. 10 was offered by Representative McGuire. It removed the parental training language from House Amendment No. 3 to Senate Bill 881. I think it's important to note that with House Amendment No. 10, Senate Bill 881 contains no language concerning parental training. Finally, House Amendment No. 11 was offered also by Representative McGuire. That amends the provisions of Public Act 88-251, which was Senate Bill 991, to provide that when a school district holds a public hearing on using life safety funding for the repair of school sidewalks, playgrounds, parking lots or bus turnarounds, the public hearing must be preceded by -- must be preceded by at least seven days advance notice in a general circulation newspaper. Mr. President, if there are any questions, I'd be pleased to answer them.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Berman.

SENATOR BERMAN:

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

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I -- my comments are -- are really to the motion which I presume will follow this, and at the appropriate time, I would just ask that on the next motion, we have a roll call. But the -- let me share with the Members of the Senate the discussion that Senator O'Malley and others concurred in when I made these comments in our Education Committee meeting just a few minutes ago. Amendment 9 -- House Amendment 9 to this bill addresses a problem because the Chicago Board of Education and the Chicago City Colleges entered into an agreement back in October...

PRESIDING OFFICER: (SENATOR WEAVER)

Well, Senator Berman, there will be a separate motion on 9 and 5.

SENATOR BERMAN:

I understand.

PRESIDING OFFICER: (SENATOR WEAVER)

So, let's confine our remarks to the amendments considered here in this motion.

SENATOR BERMAN:

All right. Then I'll address -- I'll address 9 when we have that motion. I'll -- I'll hold those till then.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Geo-Karis. Any further discussion? Senator O'Malley moves to concur in the House Amendments to -- No. 1, 2, 3, 4, 6, 7, 8, 10 and 11 to Senate Bill 881. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 1 Nay, no -- none voting Present. The Senate does concur in the Amendments 1, 2, 3, 4, 6, 7, 8, 10 and 11 to Senate Bill 881. Senator O'Malley.

SENATOR O'MALLEY:

Mr. President, thank you very much. I move to nonconcur with amendments -- House Amendments 9 and 5 to Senate Bill 881.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley has moved to nonconcur in Amendments No. 5 and 9 -- House Amendments to Senate Bill 881. Is there discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I want to address Amendment No. 9. Amendment No. 9 deals with the question of adult education in the Chicago public school system. In October, the Chicago Board of Education and the Chicago Community Colleges entered into a -- an agreement to transfer Washburne Trade School from the Chicago Board of Education to the City -- City Colleges. That's not an issue in this Amendment 9. What is in -- in question by Amendment 9 is the additional agreement to transfer the responsibility of adult education for approximately three thousand seven hundred adults that are presently taking adult education in the Chicago public school system - three thousand seven hundred adults. Questions were asked today in the Education Committee as to whether on February 1st, the effective date of an agreement to transfer the responsibility for the education of these thirty-seven hundred adults from the Chicago Board of Education to the City Colleges, whether steps have been taken to continue their education of these students, what's going to happen to the teachers that teach these thirty-seven hundred students, what's going to happen on February 1st. There were two representatives, two legislative liaisons from the Community College Board. Not the Chicago City College Board. The State Community College Board. They were not able to tell us whether steps have been taken by the City Colleges. I suggested to Senator O'Malley that we ought to concur in Amendment 9, because Amendment 9 reverses that agreement. It keeps the responsibility for these thirty-seven hundred students in the Chicago public school system. And the reason I would support Amendment 9, and why I oppose the



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motion to nonconcur, is because I haven't heard - no one here has heard - that those thirty-seven hundred adults that are enrolled in adult education classes are, in fact, going to be serviced on February 1st. We are being asked to -- to -- to silently concur in an agreement that affects thirty-seven hundred adults, and no one is able to tell us that, in fact, they're going to be serviced. I am disturbed, and I publicly stated - and Senator O'Malley concurred in my comments - that the City Colleges better make sure that those thirty-seven hundred students are taken care of on February 1st. As of today, only three weeks away - less than three weeks away - I'm not sure that they are going to be taken care of. Now, I had suggested that we concur in Amendment 9, send the bill to the -- to the Governor, and make -- and allow the Governor to use his good offices to make sure that the City Colleges have, in fact, provided for the education of those thirty-seven hundred, and if it's not provided for, sign the bill, keep their services in the public -- in the Chicago public school system, so that the students are serviced. Senator O'Malley didn't see fit to do that. I'm disturbed by this. I want to share this concern with all of you, because we're being brought into this agreement process that at the moment appears to me to string out adults that need education, that have signed up for education, and I'm not sure that on February 1st they're going to get their education. So at the moment, I'm going to vote No on the motion to nonconcur, and I hope we find a solution in the next few hours to this or get some commitment from the City Colleges that, yes, this is how we're going to service these students, these adult education students. I ask you to join with me in opposing this motion, so that we're speaking out on behalf of these adults, and I would ask for a roll call on this motion at the appropriate time.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I completely concur with Senator Berman's remarks. We've got thirty-seven hundred people who will be looking for an elementary certificate or a GED, and they're going to be foisted upon the colleges. The colleges aren't going to give a darn about educating those people. I think the adult education program has been one of the best programs of the Chicago public schools, and it isn't supported by the Chicago public schools, to my knowledge. And I understand also that the reason the City Colleges want it and want to do it is because they -- they pledged to take Washburne School, which is going to cost them an awful lot more money than they thought, so they thought they'd make it up by taking this over. I concur with Senator Berman, and I ask for a No vote on this concurrence.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. I rise in opposition to the motion, and I concur with all the remarks that were made by Senator Berman. And if you listened to the Governor's State of the State Address yesterday, the Governor pointed out that, all these persons eighteen years of age and under, he want those individuals to receive a high school diploma or take a course whereby they could be gainfully employed. Currently, right now, in the Chicago public schools, you have students who are enrolled in courses to become LPNs. When they graduate, they can pass the State examination and become gainfully employed. If the adult ed is transferred to the Chicago City Colleges, those students will not be able to get those courses. These are sixteen- and seventeen-year-old youngsters currently enrolled in these

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programs. The misinformation that has been put out as relate to adult ed talk about a four-million-dollar price tag. There is not one dollar attached to this. The four million dollars they are talking about is Washburne Trade School, which has already been transferred. This does not impact on that. There is not one dollar involved in this, but there are programs in there to help teenagers become gainfully employed, such as the LPN course and nursing programs in the school system. So therefore, this motion -- we should vote No on the motion to nonconcur, and we should have a motion to concur so that these youngsters can receive their proper education. So I rise in opposition to the motion.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Yes. Thank you, Mr. President. I have been listening to the discourse, and -- and I think what's happening is that those who intend to do the most good, may, in fact, do the most harm. This motion to nonconcur is reflected from the outcome of the previous vote that was the concurrence on nine of the eleven amendments. Those people wish to do that, meaning that they didn't wish to concur with the other two. But let me tell you where the danger is. Some of you are concerned: who is going to get this program and whether -- or how well it's going to do. Well, I could tell you, if this bill goes down, you know what? You will not have any adult ed, because the Community College won't have it, and the Chicago Board of Education won't have it. Yes, sir, 'cause the law we passed moved it to the Community College. All right? So, I would advise those of you to please watch your vote. And let me just point out one other thing. It's been a normal courtesy in this Body that when a sponsor chooses to nonconcur, that courtesy is extended to that sponsor. Now, if we want to turn this into a rude, discourteous group, then override the -- the sponsor's

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wishes.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I wholeheartedly support what Senator Berman and our Leader, Senator Jones, has said to us about this program. If we leave Number -- Amendment 9 out, you are going to be depriving the people in the City of Chicago and the people downstate from advancing themselves for higher education. The City Colleges do not service the -- the public as it does -- or should. The public school system serves the parents, they serve the infants, they serve the toddlers, and those who are seeking to get their GED. We were talking yesterday, from our Governor, about advancing our society and giving those who do not have an education an opportunity for an education. How can they go into a technical society if they cannot read, they cannot spell, and they don't know how to act? This basic teaching that they are getting on this alternative from the adult education is giving people who are on welfare or in areas of trying to advance themselves an opportunity to get their GED and take their children along with them and advance them along the same way. And so I'm saying to you that you will be putting our society back, back, back, back if these people are not given an opportunity to continue their GDD <sic> education. And so I say to you, please let us support what Senator Berman and our President, Senator Jones, has said to us. These people need the public school assistance so that they can become better citizens and taxpayers here in the State of Illinois.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

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END OF TAPE

TAPE 2

SENATOR HENDON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just believe that anytime an adult is brave enough and courageous enough to admit that they need to further their education, we should give them every opportunity to do so. It is hard enough for a -- a grown person to say and face their children and -- and help them with their homework, and if they don't have an education, it's -- it's practically impossible. City Colleges is not going to do a good job with this program. I agree with all of my colleagues, including Senator Geo-Karis, that we should vote No on this matter, send it back and -- and -- and keep this very vital adult education program intact, because it's hard enough for us to help our children and for adults to help their children with their homework, if they don't have an education themselves. So let's help some parents. I think it's very brave and courageous for a parent to step forward and say, "I need some help," and to seek to further and benefit their education. So I -- I hope that we can vote No on this and -- and send it back where we can educate adults, as well as children.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Collins.

SENATOR COLLINS:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR COLLINS:

Senator, it -- it appears that the -- the -- the major concern

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around here is continuity of services. And can you tell me whether or not the -- the Colleges' boards has submitted a plan that would ensure that continuity of service at this time, and -- and do you have access to that plan?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley. Senator O'Malley. Will you turn on Senator O'Malley's mike, please?

SENATOR O'MALLEY:

Senator Collins, thank you for asking the question, because hopefully that will dispel some of the concerns that are here. I don't have that information; however, let me say this to you: I don't think whether we concur or nonconcur, regardless of the vote on this motion, we're going to change the outcome for which you are speaking in favor of, at least what I believe you're speaking in favor of. If this thing lays on the table, as the end of this vote, you will have not advanced this one step further at all. This existing agreement that is already empowered, in both the -- the City Colleges and in the Chicago Board of Education, will continue, and the deadline of February 1 will come and go, and something will happen by that date. Now, Senator Berman made a very good point. We don't know today whether or not that's going to happen, but regardless of the outcome here today, we're not going to know. But we do know this - that the City Colleges has an obligation today to provide for the education of those -- the adult education of those students. And when Senator Berman discussed this in committee, I completely agreed with him that we should make sure that we hear back from the City Colleges and from the Chicago Board of Education that proper steps are being made to provide for the transition for these adult education students. I am very supportive of that initiative. But, once again, regardless of what you do here today, and regardless of how anybody feels, you will not change the outcome as to what happens

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on February 1st.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? Senator Collins.

SENATOR COLLINS:

Yes. I -- Senator O'Malley, that -- that is the problem. I think we, as legislators, have a responsibility to ensure that continuity of services before it leaves the public school system. And you say that we don't have anything to say about it. At least we ought not to endorse what they're doing before we know whether or not it will work. And -- let me tell you this - and I don't know whether or not you were in the House or you came from the House or not: A good example of that is, is when the rush was on to decentralize the mental institutions. One of the things that I kept -- I was on a committee. I kept saying, I am not opposed to - and many of us - to decentralizing and to -- to -- to most certainly to show up and to turn some of those services over to the community-based community centers. But what happened, those Senators -- Senate -- I mean, committees, and the communities, were not prepared to deal with the clientele of turning all of those people out of the mental institutions - State institutions - back into the community. And so, what do we have? Chaos. Many of those people are lost today, wandering around on the streets. Mostly builds up the -- the homeless and -- population of this State because we were unprepared. Do we now endorse a situation where we are going to just wonder whether or not, or not know whether or not, all of these people who need to get an education and who are now participating into job-readiness-type programs and training programs, so that they can become taxpayers rather than tax consumer, whether or not that's going to work or not, whether or not there's a plan? You're asking us to be irresponsible. That's the issue here. Continuity of services.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator O'Malley, to close.

SENATOR O'MALLEY:

Senator Collins, under no circumstances would I ever ask any Member of this Body to be irresponsible. Understand that what is in this -- what is in this amendment will not achieve your objective. In fact, what it will achieve is to reverse what was agreed to previously. That's all that's here. And what you're asking for us to do - for those of you who would support what you're referring to - is to literally supervise the transition. While we're responsible, we are not responsible to supervise the transition. I am concerned, as Senator Berman was, to monitor, to know what goes on, but it was never the understanding when it was agreed to by local bodies - the Chicago Board of Education and the City Colleges - that the Senate or the House would interfere in that process. And that's what Senate Amendment 9 is an attempt to do. I would ask that the -- that -- for a favorable roll call on this. Thank you very much.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator O'Malley has moved to nonconcur in House Amendments No. 5 and 9 to Senate Bill 881. Those in favor of the motion will vote Aye. Those opposed will 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, the Ayes are 28, the Nays are 24, 2 voting Present. The motion to nonconcur passes. And the Secretary shall so inform the House. Senator Donahue, for what purpose do you arise?

SENATOR DONAHUE:

Thank you, Mr. President. I would request a Republican Caucus. I was just about to ask, with the committee hearings meeting at 3:25, should we not have the committee hearings and then call a caucus at 3:45?

PRESIDING OFFICER: (SENATOR WEAVER)



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Senator Philip. Senator Donahue has requested a Republican Caucus. There are two committees at - what? - 2 -- 3:25. So we will plan on being back on the Floor by 3:45, 4 o'clock. So, stand -- the Senate will stand in recess until 3:45. Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Just to advise the Body that the Judiciary Committee will meet immediately upon the conclusion of the Republican Caucus.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I just rise to advise the Body that Senator Alice Palmer's mother-in-law passed. She has death in the -- stepmother passed, and she's not here because of death in the family.

PRESIDING OFFICER: (SENATOR WEAVER)

Thank you. The record will so reflect. The Senate will stand in recess.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR MAITLAND)

...will come to order. Committee Reports.

SECRETARY HARRY:

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Bill No. 766, the motion to concur with House Amendment No. 6 Approved for Consideration.

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And Senator Karpziel, Chairman of the Committee on Executive, reports that Senate Amendment No. 2 to House Bill 2082 Be Adopted.

PRESIDING OFFICER: (SENATOR MAITLAND)

Message from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

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

House Joint Resolution 97.

Adopted by the House, January 13, 1994.

It's congratulatory.

PRESIDING OFFICER: (SENATOR MAITLAND)

Consent Calendar. Resolutions.

SECRETARY HARRY:

Senate Resolution 1010, offered by Senator Jones.

It's congratulatory, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Consent Calendar.

SECRETARY HARRY:

...Resolution 1011, offered by Senator Karpziel.

It's substantive.

PRESIDING OFFICER: (SENATOR MAITLAND)

Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1185, offered by Senator Stern.

(Secretary reads title of bill)

Senate Bill 1186, offered by Senators O'Malley, Watson and others.

(Secretary reads title of bill)

Senate Bill 1187, offered by Senator Hendon.

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(Secretary reads title of bill)

Senate Bill 1188, by Senator Petka.

(Secretary reads title of bill)

Senate Bill 1189 is offered by Senator O'Malley.

(Secretary reads title of bill)

Senator O'Malley offers Senate Bill 1190.

(Secretary reads title of bill)

And Senate Bill 1191, offered by Senator Klemm.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR MAITLAND)

Consent Calendar. Ladies and Gentlemen, we will now proceed to the Order of Resolutions Consent Calendar. With -- with leave of the Body, all of those read in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY HARRY:

No objections have been filed, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The motion carries, and the resolutions are adopted. ...right, Ladies and Gentlemen, on the middle of page 2 is House Bills 3rd Reading, House Bill 2082. Senator Weaver, do you wish this bill returned to the Order of 2nd Reading for the purposes of an amendment? Senator Weaver seeks leave of the Body to -- to return Senate <sic> Bill 2082 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 2082. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

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Amendment No. 2, offered by Senator Weaver.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President and Members of the Senate. Amendment No. 2 to House Bill 2082 covers a great many issues, and I will go -- go through them briefly. And then if any Member has any questions regarding any of the items, I will try to answer them for you. But basically it -- as far as the Insurance Code is concerned, it permits an insurance company to include, as a -- an admitted asset, tax refunds due to a subsidiary of a parent company. It -- goes into private detectives and clarifies that insurance adjusters are exempt from licensure under the Act. Under the Chicago Public Health lab -- as you know, the State took over those labs, and this is necessary language to allow them to become part of the State Employees' Retirement System. It also validates some annexations to a TIF district in Tuscola. It amends the Liquor Control Act. Basically, the language in the Governor's amendatory veto of 2307 is there. There's some agreed language between Diamond Star and the taxing districts -- affected in McLean County. In the Administrative Codes, it provides that the Administrative Code and the Illinois Register shall be in the public domain for the purpose of federal copyright laws and several other technical changes. Also, as far as the Clerk of the House and the -- and the Secretary of the Senate, that deletes some obsolete language there. It cleans up the tax implications on the -- the cigarette tax and Medicaid. It repeals the provisions of the South African Investment Law that was passed in past years. Clarifies the regional superintendent of -- of schools, authorizing those voters who reside in a unit school district located in more than one educational service region to cast a ballot for the regional superintendent who has control and

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supervision over the unit school district in which the voter lives. In regard to disposition of certain overweight truck fines, it clarifies where those fines will go. Has some conveyances for Wood River Township in Madison County. It addresses the -- the Chain O Lakes and the Fox River Waterway Management Agency Act. This language puts the question of the continuing -- continuation of the Agency Act up for referendum. Would create a Board of Health in Madison County by board resolution. Takes care of the Mount Morris School District problem. Extends the reporting date for the Chicago Learning Zone Advisory Committee. There's a conveyance in here in Macon County -- to Macon County from the State of Illinois. It amends the Illinois Migrant Labor Camp Law, empowering the Department of Public Health to assess administrative fines against persons who is providing housing to migrant workers in violation of the Act. If there's any questions on any of these items, I would try to -- be happy to try to answer them; otherwise, I would move adoption of the amendment, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Mover has moved -- Senator Weaver has moved the adoption of Floor Amendment No. 2. Is there discussion? Is there discussion? All those in favor will -- will -- all those in favor of the amendment will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that vote, there are 51 Ayes, no Nays, no Members voting Present. And the amendment passes. Are there any further Floor amendments, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. All right. Ladies and Gentlemen, on page 2,

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House Bills 3rd Reading. House Bill 2082. Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. We've just briefly gone over all the...

PRESIDING OFFICER: (SENATOR MAITLAND)

Mr. Secretary -- I'm sorry, Senator Weaver. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate <sic> Bill 2082.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President and Members of the Senate. We've just gone over Amendment No. 2 to House Bill 2082, which basically is the bill. If there are any further questions, I would certainly -- be happy to answer them; otherwise, I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. Senator Weaver, let me again just alert the Membership to what I had posed in committee on page 26 of this amendment. There was, in fact, some error, apparently, when the cigarette tax was passed recently, and the money was apparently put into an account which, apparently, it should not have been. And what we are doing here is we are taking, apparently, some excess revenues that are now coming -- will be coming out of the Common School Fund that'll be transferring back into the fund that provides for the assessment program in the Long Term Care Provider Fund. Now, I don't have any objections to

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doing what we are doing to correct this error, but everybody should know that the -- that, politically, this is one of those little nasty things that pop up during a campaign that says that you talk a great deal about education, but here you are, you are taking money out of the Common School Fund and you are -- you are putting it into the fund for the assessment program. Now, I don't have any problems with what we are doing here today. I just want to alert everybody that that makes a great little thirty-second commercial out there, and if you're not comfortable with that, perhaps you ought to really take a good look at it, because that, in fact, technically, is what we are doing. And I think it's one of those nasty little things that rise up and -- and bite you once in a while. Let me also make a comment with respect to the Mount Morris program - and I did in -- in committee - and that is, that's a pretty good precedent that we're establishing here today and I'm willing to go along with it, but I think a lot of us are going to find ourselves in the same posture, I think, in the very near future. And once we embark down this new road that we've been embarking on with Mount Morris, that there is going to be a clamor for other types of assistance from other school districts, much like that which happened at Mount Morris. Now again, I'm willing to -- to go along with the program, but I think those two things were the comments that I had with respect to this bill. And I thank you for allowing me the time to speak.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Let me just respond briefly to the comments about the Mount Morris school situation and the potential for setting precedents here. I think if there is any precedents that's being set, it is that school districts finding them in this type of

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financial difficulty where an oversight panel is involved could be ending the life of that school district. If there's any precedents being set, it's that an oversight panel, when that is invoked to take over the financial operation of a district, can essentially signal the death of that school district, as they have done in their recommendation. But let me further say that the provisions in Senate Bill -- or in House Bill 2082 that deal with Mount Morris are very specific and very unique to Mount Morris, and they -- and the Oregon situation. They are based on the recommendation by that oversight panel that was appointed by the regional board of trustees. It's fairly simple, in that this will -- their recommendation will dissolve the district effective July 1st of 1994, certify the debt of the Mount Morris district as of June 30th, 1993, and require that the State Board, in their next year budget - in the State Board's budget - have a line item for four hundred thousand dollars for annexation incentive money. That's what the agreement was, and it was the result of a tremendous amount of work and compromise and negotiation and -- and prayer and effort by teachers, by administrators, by school board members, to bring about this -- this agreement. And I think all of us that have had school districts trying to merge, annex, consolidate, or whatever, have found that these are difficult issues, and they will always be difficult in this State. The bottom line is that this annexation is in the best interests of the students of Mount Morris and Oregon, and the people have agreed to support this. And I thank you for your support in bringing -- bringing about the resolution of the situation. Thank you very much.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you -- thank you, Mr. President, Ladies and Gentlemen of



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the Senate. Real quick. I would agree with my Senator on the other side of the aisle. I'm not sure if Mount Morris problem is setting a new precedent. I'd rather look at it as exploring new ground. But I do have one question of the sponsor, if I could.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Jacobs.

SENATOR JACOBS:

We had talked earlier, and I think in the Energy and Environment Committee there was some language to take care of the transfer of yard waste transfer stations. Was that put in this bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver.

SENATOR WEAVER:

It is not in this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. With the -- with your permission, I have three questions that I would like to ask the sponsor for purposes of legislative intent.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senator Weaver, a portion of this bill amends the Private Detective Act. The clear intent of this Section of the bill is to exempt insurance adjusters of all types from licensing requirements of the Private Detective Act. Is that correct, Senator?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver.

SENATOR WEAVER:

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That is correct.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR MADIGAN:

The intent is not to, in any manner, prohibit the use of the word "investigation" by an insurance company or an insurance adjuster employed by an insurance company. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver.

SENATOR WEAVER:

Yes, that is correct.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR MADIGAN:

Finally, the purpose of the language is to discourage independent adjusting companies or independent adjusters from using the word "investigation" in their advertising or in its company name. Is that correct, Senator Weaver?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver.

SENATOR WEAVER:

That is correct.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Further discussion? Senator Weaver, to close.

SENATOR WEAVER:

I think it's been fully discussed. I would appreciate a favorable roll call, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall -- shall House Bill 2082 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who

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wish? Take the record, Mr. Secretary. On that question, there are 52 Ayes, no Nays, no -- 1 Member voting Present. House Bill 2082, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, on -- you have before you now Supplemental Calendar No. 4. Senate Bills, Concurrence. Senate Bill -- 766. Senator DeLeo. Mr. Secretary, read the bill.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 6 to Senate Bill 766.

Filed by Senator DeLeo.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeLeo.

SENATOR DeLEO:

Thank you, Mr. President. Amendment No. 6 actually becomes the bill. It guts the bill. This is amending the Juvenile Court Act. This legislation is in reaction to a recent summit held in Chicago this past week: Leaders of the General Assembly, the Governor's Office, the Chief Judge of the Circuit Court of Cook County. It's regarding the problems of the juvenile court system in Cook County. It was recently highlighted by the very tragic death of the Wallace case, which we all know about. What this does, it will allow the chief judge of the circuit court to appoint hearing officers for the circuit -- for the juvenile court for findings for abuse and neglect in dependency courtrooms. There's currently four or five courtrooms. In the next few months, they plan to have fourteen courtrooms open. These hearing officers will review all information. This will give the court extreme -- more knowledge of the flow, of the tracking, of these -- these children. This is certainly not the major reform that the juvenile court system needs. It is a small, small step. It's a beginning. I think the goal of reform should be to move children through the system more quickly, either to return them

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home or get -- make them available for adoption. I hope by creating this new layer here of the hearing officers, I hope we're not slowing the process down. This is not a fail-safe, by no means, but it certainly is important legislation. If we can stop one abuse or one neglect, or any child with a dependency problem in this County of Cook, it's great legislation. It's a pilot program. It's twenty-four months. It's -- it's financed in the beginning part of this program by the County of Cook; then the State picks up the last fourteen or fifteen months. I ask for a favorable roll call on Amendment No. 6 to Senate Bill 766.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Rauschenberger. Thank you.

SENATOR RAUSCHENBERGER:

I guess that'll teach me to give a Christmas present to the electrician. Thank you, Mr. President and Ladies and Gentlemen of the Senate. As a Cook County resident and a Senator representing Cook County, I want to compliment all the parties who worked hard to pull this compromise together in the interest of children and the court system in Cook County, but there are some disturbing things, and I'd like to ask Senator Molaro a couple of questions, if he would yield. I'm sorry.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will...

SENATOR RAUSCHENBERGER:

Senator DeLeo.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, I'm pretty excited being at Brad Burzynski's microphone, so I apologize for that. Senator, a number of people in my area, which is northwestern Cook County, have been frustrated by the Cook County court system, and are somewhat concerned by the number

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of unfilled vacancies in the Cook County court system. We've been frustrated about why -- that we are not getting appointments filled. Do -- do you feel that any of the problems and backlogs are caused by more than forty vacant judgeships in Cook County?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeLeo.

SENATOR DeLEO:

Well, this is a little outside the scope of the juvenile court, but I don't think so. We have -- those vacancies that are currently in the Circuit Court of Cook County are -- were created by the new subcircuits that we enacted a couple years ago. The courtrooms that are currently available at the juvenile court facility are staffed and are -- are filled. The vacancies that are currently there in Cook County will be filled this March 15th primary - the nominees will be for the November election. So in order to -- these vacancies will -- will not exist after the November election.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator, are you aware that some of these vacancies have been vacant for almost eleven months, and it's going to be close to two years that there's going to be vacancies in these courtrooms?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeLeo.

SENATOR DeLEO:

Senator, I -- I'm not aware of that, and I think that these inquiries should be directed to the Supreme Court. They've always had the power and the duty to fill these vacancies - not the General Assembly.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

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SENATOR RAUSCHENBERGER:

One last question. As I understand it, in our appropriation process when we budgeted for the Supreme Court, we budgeted to fill those subcircuits. So, Senator, do you know, in the discussions did you discuss whether some of this could be funded by the potential lapse in the Supreme Court appropriation to -- when the State share comes up for its fourteen or fifteen months?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeLeo.

SENATOR DeLEO:

It was -- it was not in discussion at all.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I have four questions to ask for the record, if I might ask the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator.

SENATOR BERMAN:

Thank you. Senator DeLeo, what will be the nature of review available when a party objects to the hearing officer's recommendations?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeLeo.

SENATOR DeLEO:

A de novo hearing will be held, and this means a new, full hearing of the parties and the evidence by the court, without any review or consideration of the hearing officer's proceedings or recommendations, will be held.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

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Will the parties get notice of the predispositional conference?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeLeo.

SENATOR DeLEO:

Yes. The other notice provisions of the Juvenile Court Act will apply.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

The amendment says that the parties will be served with the predispositional report. Does this mean actual service?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeLeo.

SENATOR DeLEO:

Yes. What will happen, the Code of Civil Procedure will control the -- will control the Act.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

Will any -- excuse me. Will any evidence become admissible in a hearing before the judge because it was introduced during the predispositional conference?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeLeo.

SENATOR DeLEO:

No. The key word you just said there was "before a judge". No. This amendment does not change the rules of evidence applicable in a courtroom. I'm pleased to clear that up.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

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Mr. President and Ladies and Gentlemen of the Senate, I commend Senator DeLeo for sponsoring this amendment. The hearings officers will not be probably paid the high -- high salaries of the judges. We need them because now we don't want any more excuses that they don't have enough people to hear them. Once they hear these cases, if they want to go for a new trial, which is a trial de novo, to a judge, they're going to be hard pressed if they don't have any real, legitimate reason to do so. And I think it's a step in the right direction, because we've got to help those children, and we can't help them unless we have some immediate hearings. And I support this bill and ask to be listed as a cosponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Welch.

SENATOR WELCH:

Senator DeLeo, when the hearing officer comes up with a ruling or opinion, is that a rebuttable presumption for the trial court - should it go to a hearing in the trial court?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeLeo.

SENATOR DeLEO:

No, it's not. It's just a recommendation that the judge can accept or reject.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

In the bill, it talks about the hearing officer. Apparently after giving notice to the parties, if the parties do not show up,



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the hearing officer can proceed to a disposition of the case without the parties being present. How would that work?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeLeo.

SENATOR DeLEO:

Because of lack of notification, the attorneys and the people are still in the system. The system doesn't come to a stop because of lack of notification on a hearing. There's still a -- a court docket; there's still a court proceedings pending, and the litigants will be notified of their court date. If they do not respond to the hearing officer's request for notification, the procedure doesn't end; it goes back to the court docket and would proceed.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

If -- if an -- in a hearing situation, a hearing officer sets a case; he gives notice to both parties. Once he has notice given to both parties - it's served on them by the sheriff, I believe - and one party doesn't show up, it proceeds on -- with whatever evidence the party that does appear has, which would be the State, I believe. It just goes forward, and he gives a recommendation based on that.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeLeo.

SENATOR DeLEO:

That's -- that's correct. But in the -- in the -- in the legislation, it says it must be agreed upon by all parties. So if there's one party not being notified or one party objecting to it, it does not go as an -- it's not -- no longer... Yes, it will go back to the court.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I rise in support of the motion to concur in the amendment to Senate Bill 766. I'll note just a couple of things. One, the underlying bill noted on the board is no longer a part of this bill. The amendment became the bill. Secondly, this -- this bill has potential statewide application because it allows a chief judge to appoint hearing officers in these situations. However, for purposes of legislative intent, and as a chief hyphenated cosponsor, and as a participant in the discussions and in the Council meeting on Monday, it's -- it's clear that there is no intent to allow a circuit judge to appoint and require the funding of this by counties outside of Cook. In other words, the program would require the cooperation of the chief judge, as well as the affected county boards, and the county boards would have to agree to fund this before it could be implemented in any county outside of Cook. Secondly, I think to correct just perhaps a slight misstatement in answer to the last question, the hearing officer may make recommendations to the circuit court without agreement. If there are agreements, those agreements are attached as part of the hearing officer's report to the circuit court, but he or she may make recommendations without any agreement taking place. And in the absence of that, there would be a de novo hearing before the full circuit court, but the -- the hearing officer is not bound simply to those things that are agreed upon. And with that, I would seek your favorable consideration of Amendment No. 6 to Senate Bill 766.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Senator DeLeo, to close.

SENATOR DeLEO:

Thank you, Mr. President. As I said in my opening remarks, this is a very, very modest, small step for juvenile court reform.

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We need to adopt this; we need to implement this pilot program, and we need to work on a lot of fine-tuning and a lot more juvenile court reform in the Spring Session of the 1994 General Assembly. I ask for a favorable roll call on Senate Bill 766.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right, Ladies and Gentlemen, this is final action. The question is, shall the Senate concur in House Amendments -- 6 to Senate Bill 766. 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, Mr. Secretary. On that question, there are 53 Ayes, no Nays, 1 Member voting Present. Senate Bill 766, having received the required constitutional majority, is declared passed. Resolutions.

SECRETARY HARRY:

Senate Resolution 1012, offered by Senator O'Malley.  
It's substantive.

Senate Joint Resolution 117, Constitutional Amendment, offered by Senator Ralph Dunn.

PRESIDING OFFICER: (SENATOR MAITLAND)

Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1193 <sic> (1192), offered by Senator Berman.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio, for what purpose do you arise, sir?

SENATOR DEMUZIO:

Mr. President, might I inquire as to whether or not we are, in fact, finished or not? Some of our Members wish to get a little start on this freezing rain or whatever it is out there, and -- if there is -- if we're just going to do paperwork or -- what are we going to do?

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio, it -- it appears as though we are effectively completed, with the exception of the adjournment resolution, sir. Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 116, offered by Senator Weaver.

(Secretary reads SJR No. 116)

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I'd move the adoption of Senate Joint Resolution No. 116.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Joint Resolution 116. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Weaver has moved for the adoption of Senate Joint Resolution 116. Those in favor, vote Aye. Opposed, Nay. The Ayes have it, and the motion <sic> is adopted. Senator Geo-Karis moves the Senate stand adjourned until Wednesday, March 2nd, 1994, at the hour of -- at the hour of 11:30 o'clock a.m. Senate stands adjourned. Drive safely, everyone.

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